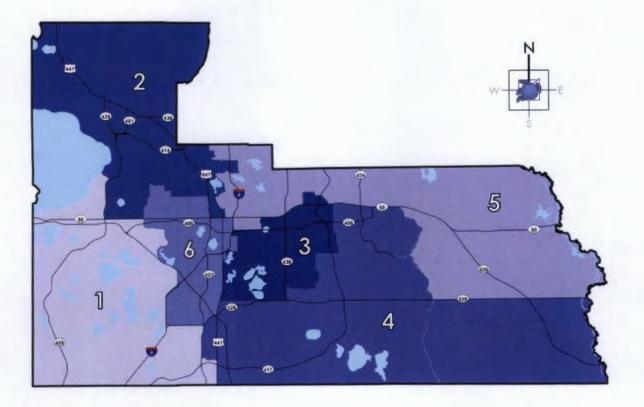


PLANNING AND ZONING COMMISSION

## LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS JULY 19, 2018



PREPARED BY: O R A N G E C O U N T Y G O V E R N M E N T PLANNING DIVISION | CURRENT PLANNING SECTION

## Planning and Zoning Commission / Local Planning Agency (PZC / LPA)

James Dunn Chairperson	District #1
William Gusler	District #2
Tina Demostene	District #3
Pat DiVecchio	District #4
J. Gordon Spears	District #5
JaJa J. Wade	District #6
Paul Wean	At Large
Yog Melwani Vice Chairperson	At Large

Jose Cantero

At Large

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## TABLE OF HEARINGS

### Planning and Zoning Commission July 19, 2018

Case # Applicant	<u>Request</u>	Commission <u>District</u>	Recommendations Staff PZC	BCC Hearing <u>Required</u>
I. REZONING PUBI	LIC HEARINGS			
RZ-18-07-034 Edmund Pikula	R-1A to NR	6	Approval Approval	No
RZ-18-07-035 Moshen Faraji-Tajrishi	R-1A <b>to</b> P-O	3	Approval with Approval with two (2) two (2) variances and variances three (3) and three (3) restrictions restrictions	No
RZ-18-07-038 Joseph Morrell	R-1 <b>to</b> I-2/I-3	6	Approval with Approval with two (2) two (2) restrictions restrictions	No
RZ-18-07-039 Alexander Rey	R-1AA <b>to</b> R-1A	3	Approval with Approval with two (2) two(2) restrictions restrictions	No
RZ-18-07-040 Ryan Young	R-1A to R-1	3	Approval Approval	No
RZ-18-07-041 W & J International Enterprise, LLC (Laura Villegas)	A-2 <b>to</b> I-1/I-5	4	Approval with Approval with two (2) two (2) restrictions restrictions	No

ii

## SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setbac (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	a
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	a
R-1	5,000	1,000	50	20 h	20 h	5 h	35	a
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	a
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs,	500 per DU	85 j	20 h	30	10 b	35	a
R-3	15,000 One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	a
	Three dwelling	500 per DU	85 j	20 h	30	10	35	a
	units, 11,250 Four or more DUs,	500 per DU	85 j	20 h	30	10 <i>b</i>	35	a
R-L-D	15,000 N/A	N/A	N/A	10 for side entry	15	0 to 10	35	a
N-L-D	976	N/A		garage, 20 for front entry				
				garage				
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	a
R-T-1								
SFR	4,500 c	1,000	45	25/20 k	25/20 k	5	35	a
Mobil		Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73		Min. mobile home size 8 ft. x 35 ft.						
R-T-2	21,780	SFR 600	100	35	50	10	35	a
(after	½ acre							
1/29/73	,	Min. mobile home size 8						
-		ft. x 35 ft.						

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) o	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	a
	Two DUs, 8,000	500 per DU	80/90 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	0
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories k	a
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	a
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet k	a
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	0
	Two DUs, 11,250	500 per DU	80 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail k	a
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	a
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	a
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	a
	Two DUs, 8,000	500 per DU	80 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail k	a
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories k	a
2-0	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	a
C-1	6,000		80 on major streets (see Art. XV); 60 for all other streets e; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	٥

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) o	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
1-1/1-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
1-2/1-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
1-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

#### FOOTNOTES

a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.

#### b Side setback is 30 feet where adjacent to single-family district.

For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:

- (i) are either platted or lots of record existing prior to 3/3/97, and
- (ii) are 75 feet in width or greater, but are less than 90 feet, and

(iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.

- e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.

h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units: R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.

- j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.

m Based on gross square feet.

#### These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

V

#### **Orange County Code Section 24-5.**

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

#### (a) Buffer classifications:

- (1) Type A, opaque buffer: This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) Type B, opaque buffer: This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) Type C, opaque buffer. This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) Type D, opaque buffer: This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) Type E, mobile home and RV park buffer: This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) Type F, residential subdivision buffer: See subdivision regulations (Chapter 34, Orange County Code).

## These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Case Planner: Nathaniel Wicke Rezoning Staff Report Orange County Planning Division PZC Hearing Date: July 19, 2018

#### CASE # RZ-18-07-034 Commission District: # 6

#### **GENERAL INFORMATION**

APPLICANT	Edmund Pikula
OWNERS	Edmund Pikula
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) <i>to</i> NR (Neighborhood Residential)
LOCATION	1500 23rd Street; or generally located on the south side of 23rd Street, approximately 250 feet east of S. Rio Grande Avenue.
PARCEL ID NUMBER	03-23-29-0180-36-050
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred eighty-three (183) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.46-gross acre
PROPOSED USE	Two (2) Single-Family Detached Dwelling Units (One per lot, pending approved lot split)

#### STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR (Neighborhood Residential) zoning.

#### IMPACT ANALYSIS

#### Land Use Compatibility

The NR (Neighborhood Residential) 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 Neighborhood Residential (NR). The NR (Neighborhood Residential) zoning is

consistent with the Neighborhood Residential 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.

**OBJ FLU8.3** states the use of overlays shall be implemented and managed consistent with the furtherance of the goals of the CP, including the use of design, redevelopment and aesthetic techniques to promote compatibility objectives.

**FLU8.3.1** states to promote redevelopment of blighted communities, the County shall establish the Neighborhood Center, Neighborhood Activity Corridor, and Neighborhood Residential future land use designations. These land uses shall be designated on the Future Land Use Map through an amendment to the CP to implement strategies to physically and functionally integrate a mixture of land uses in a specified location.

#### SITE DATA

#### Existing Use

Single-Family Dwelling

PZC Recommendation Book

Adjacent Zoning	N:	R-1A (Single-Family Dwelling District) (1957)
	E:	R-1A (Single-Family Dwelling District) (1957)
	W:	R-1A (Single-Family Dwelling District) (1957)
	S:	NR (Residential District) (2006) and R-1A (Single Family Dwelling District) (1957)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Single-Family Residential
	S:	Single-Family Residential
	DEC	

#### NR (NEIGHBORHOOD RESIDENTIAL) DEVELOPMENT STANDARDS\*

One-Family D	welling
Min. Lot Area:	
Min. Lot Width	n:

4,500 sq. ft. 45 ft.

Max. Height: Min. Living Area: Building Setbacks: Front: Rear: Side: 35 ft. (Maximum impervious ratio shall be 70%) 1,000 sq. ft.

20 ft. 20 ft. 5 ft.

<u>Two Dwelling Units</u> Min. Lot Area: Min. Lot Width:

Max. Height: Min. Living Area: Building Setbacks: Front: Rear: Side: 9,000 sq. ft. / 8,000 sq. ft. 80 ft. / 90 ft.

35 ft. (Maximum impervious ratio shall be 70%) 500 sq. ft. / 1,000 sq. ft.

20 ft. 20 ft. 5 ft.

11,250 sq. ft.

<u>Three Dwelling Units</u> Min. Lot Area: Min. Lot Width:

85 ft.

Max. Height: Min. Living Area: 35 ft. (Maximum impervious ratio shall be 70%) 500 sq. ft. per dwelling unit

Building	Setbacks:
----------	-----------

20 ft.
20 ft.
10 ft.

Four or More Dwelling Units

1,000 sq. ft. plus 2,000 sq. ft. per dwelling unit. 85 ft.

Max. Height: Min. Living Area: **Building Setbacks:** Front: Rear:

Min. Lot Area:

Side:

Min. Lot Width:

50 ft. (Maximum impervious ratio shall be 70%) 500 sq. ft. per dwelling unit

20 ft.

20 ft.	
10 ft.	

1,800 sq. ft.
20 ft.
40 ft. (Maximum impervious ration shall be 80%)
750 sq. ft.
and the second second second second
25 ft. (15 ft. for rear entry driveway)
20 ft. (15 ft. for rear entry garage)
0 ft. (10 ft. for end units)

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.

#### Permitted Uses

Per Section 38-1744 of the Orange County Code, the intent and purpose of the NR zoning district is to provide a transition from mixed-use areas to lower-density residential areas to promote the redevelopment of urban communities. The NR district will provide a diversity of housing types at densities higher than surrounding neighborhoods, complemented by parks, recreation areas and civic uses essential to community gathering. The district will be pedestrian in nature, with sidewalk-lined, treeshaded streets naturally clamed by on-street parking and an active environment.

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 1500 23rd Street; or generally located on the south side of 23rd Street, approximately 250 feet east of S. Rio Grande Avenue. The property is currently developed with a single-family detached dwelling that was constructed in 1946.

The subject parcel was originally platted as three 50' x 135' (Lots 5-7, Block 36) within the Angebilt Addition. The plat for the Angebilt Addition was recorded on June 15, 1923. Today, the subdivision can be characterized as being developed with single-family detached dwellings on a variety of parcel sizes. The subdivided area is primarily zoned NR, R-1A, C-1, and C-2.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to NR (Neighborhood Residential), with the intent to formally split the existing parcel two lots, and build a single-family detached dwelling on the resulting parcel.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Neighborhood Residential (NR) 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.

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

#### **Overlay District Ordinance**

The subject property is located within the Holden Heights Overlay District.

#### **Airport Noise Zone**

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

#### Environmental

Any existing septic tanks or wells shall be properly abandoned by the applicant prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.

#### **Transportation / Access**

This project is in the Alternative Mobility Area and is therefore exempt from transportation concurrency. The proposed development is within a quarter mile walking distance along S. Orange Blossom Trail, S. Rio Grande Avenue, and W. Michigan

Street. The sidewalks in the area are developed however, there is no signed bicycle route.

#### **Code Enforcement**

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

#### Water / Wastewater / Reclaim

Water:	Existing service or provid Orlando Utilities Comm	
Wastewater:	Orange County	8-inch gravity main within the 23rd Street right-of-way
Reclaim Water:	Orange County	Not Currently Available

#### Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered "de minimis" and therefore exempt from capacity review.

#### **Parks and Recreation**

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

#### 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 – (July, 19 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR (Neighborhood Residential) 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 NR (Neighborhood Residential) zoning.

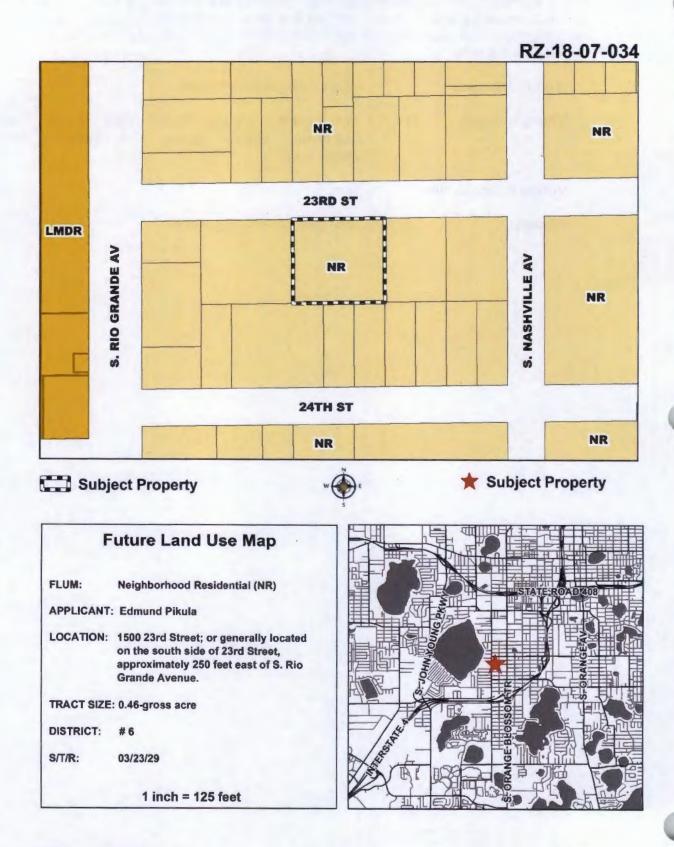
Staff indicated that one hundred eighty-three (183) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with one (1) commentary received in favor and one (1) in opposition. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After a brief discussion, a motion was made by Commissioner Wade to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the requested NR (Neighborhood Residential) zoning. Commissioner Gusler seconded the motion, which carried on a 7-0 vote.

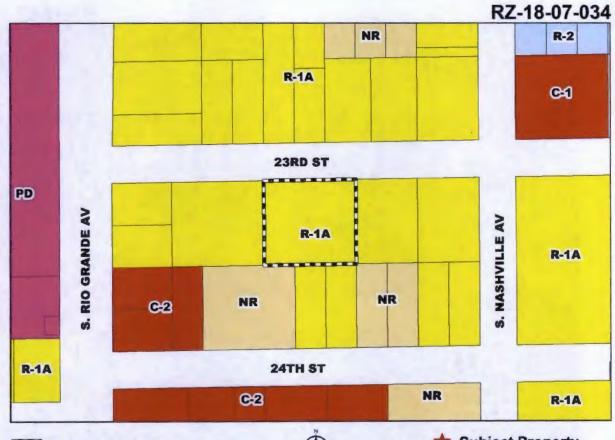
Motion / Second	JaJa Wade / William Gusler
Voting in Favor	JaJa Wade, William Gusler, Paul Wean, Tina Demostene, Gordon Spears, Pat DiVecchio, and James Dunn
Voting in Opposition	None

Absent

Jose Cantero and Yog Melwani



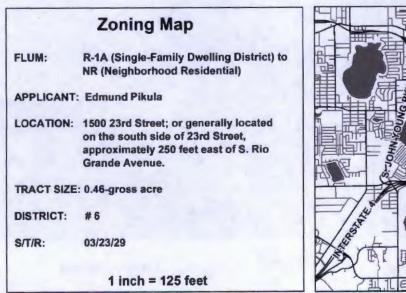
PZC Recommendation Book



Subject Property



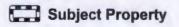
**★** Subject Property





RZ-18-07-034







1 inch = 125 feet

PZC Recommendation Book

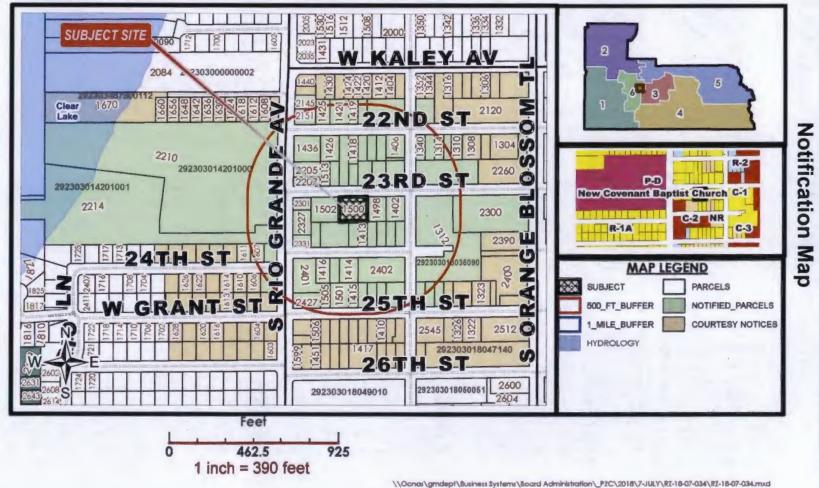


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Public Notification Map

### 500 FT BUFFER, 183 NOTICES



Orange County Planning Division PZC Hearing Date: July 19, 2018

Case # RZ-18-07-034

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July 19, 2018

Case Planner: Nicolas Thalmueller Rezoning Staff Report Orange County Planning Division PZC Hearing Date: July 19, 2018

### CASE # RZ-18-07-035 Commission District: # 3

#### **GENERAL INFORMATION**

APPLICANT	Moshen Faraji-Tajrishi
OWNERS	Moshen Faraji-Tajrishi & Tamera Faraji-Tajrishi
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-1A</b> (Single-Family Dwelling District) <i>to</i> <b>P-O</b> (Professional Office District)
LOCATION	1325 S. Bumby Avenue; or generally located on the east side of S. Bumby Avenue, approximately 550 feet north of Curry Ford Road
PARCEL ID NUMBER	31-22-30-6268-00-190
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred thirty-five (135) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.179-gross acre
PROPOSED USE	Professional Office Uses

#### STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning, subject to the following variances and restrictions:

#### Variances:

- A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 50 feet, in lieu of the required 85-foot lot width in the P-O zoning district; and
- A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 7,797 square feet, in lieu of the required 10,000 square foot lot area in the P-O zoning district.

#### Restrictions

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "D" buffer shall be used to separate professional office (P-O) uses from all residential area, unless otherwise provided by Chapter 24. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof, which maintains a completely opaque buffer. This buffer must be at least three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate P-O uses.

#### IMPACT ANALYSIS

#### Land Use Compatibility

The P-O (Professional Office 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 Commercial (C). The P-O (Professional Office District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

**FLU1.1.4A** states that office uses can act as a transitional use between two different types of land use or land use intensities.

**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.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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.

**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	Sing	le-Family Residential
Adjacent Zoning	N:	City of Orlando / R-1A (One Family Residential District)
	E:	R-1A (Single-Family Dwelling District) (1957)
	W:	R-2 (Residential District) (1957)
	S:	R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Single-Family Residential
	S:	Single-Family Residential

#### P-O (PROFESSIONAL OFFICE DISTRICT) DEVELOPMENT STANDARDS\*

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	30 ft.
Side:	10 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.

The intent and purpose of the P-O (Professional Office District) zoning is to provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies as well as establish standards which promote high quality site development of individual office structures and larger office centers, both of which are properly oriented toward arterial roads and compatible with adjoining properties. The P-O district also encourages the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and offstreet parking facilities.

#### Permitted Uses

The P-O (Professional Office District) zoning district is composed of lands and structures used primarily for the furnishing of commercial office locations.

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 0.179-acre parcel is located at 1325 S. Bumby Avenue; or generally located on the east side of S. Bumby Avenue, approximately 550 feet north of Curry Ford Road. The property is currently developed with a 1,352 square foot single-family detached dwelling unit with an attached 672 square foot accessory dwelling unit.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single Family Dwelling District) to P-O (Professional Office District) in order to use the property for professional office uses. The applicant has stated that the existing single-family dwelling would be converted into an office building. The subject parcel is 7,797.24 square feet in area and 50 feet in width, which is less than the required 10,000 square feet minimum lot area and 85-foot minimum lot width in the requested P-O zoning district. Due to the site dimensions, two (2) variances to lot width and size from Orange County Section 38-1501 are also being requested. The applicant is aware of the Type "D" buffer that is required due to the adjacency of residential to the north, south, and west of the subject property and also the possibility of variances needed for building

#### setbacks.

The County's Future Land Use Map (FLUM) establishes Commercial (C) land uses along this corridor of S. Bumby Avenue between Curry Ford Road and the subject parcel. All parcels within the corridor have commercial zoning designations with the exception of the subject property and the property immediately to the south. Uses along this corridor include a plumbing business office, a retail shopping center, auto repair, a gas station, and an animal medical clinic. Residential neighborhoods are located to the north within the City of Orlando, and northwest and east within Orange County. Therefore, the subject parcel represents the end of the commercial corridor and, as called for in the Comprehensive Plan, the office use will act as a transition between the commercial and residential uses.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) 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.

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area, but is it adjacent to the City. Notice of the public hearing has been sent to the City and the City has provided the following information:

This property, 1325 S. Bumby Avenue is within the City of Orlando wastewater service area per the City of Orlando/Orange County Wastewater Service Territorial Agreement. As the property is on septic currently, if the Florida Department of Health determines the property must connect to the City wastewater lines, the property must be annexed into the City.

#### **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 Environmental Protection Division (EPD) reviewed this request but did not provide any comment.

#### **Transportation / Access**

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along S. Bumby Avenue and Curry Ford Road. The area is served by an interconnected network of public sidewalks along S. Bumby Avenue and Curry Ford Road south of the property. No sidewalks are available north of the property. The proposed development will connect to the existing sidewalk network. There is no signed bicycle route/lane within the project impact area.

#### Code Enforcement

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

Evicting convice or provider

#### Water / Wastewater / Reclaim

Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

#### Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

#### **Parks and Recreation**

Orange County Parks and Recreation did not provide any objections to this request.

#### 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

#### PZC Recommendation – (July 19, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning, subject to the following variances and restrictions:

#### Variances:

 A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 50 feet, in lieu of the required 85-foot lot width in the P-O zoning district; and

PZC Recommendation Book

 A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 7,797 square feet, in lieu of the required 10,000 square foot lot area in the P-O zoning district.

#### Restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "D" buffer shall be used to separate professional office (P-O) uses from all residential area, unless otherwise provided by Chapter 24. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof, which maintains a completely opaque buffer. This buffer must be at least three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
- 3) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate P-O uses, or occupancy of the property for any P-O uses.

#### 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 P-O Zoning, subject to two (2) variances, and three (3) restrictions.

Staff indicated that one hundred thirty-five (135) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with one (1) received in opposition of the request, and one (1) in favor. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak about this request.

Following limited discussion regarding site compliance with the proposed use, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the P-O (Professional Office District) zoning district, subject to the two (2) variances and three (3) restrictions listed in the staff report, with an addition to the third restriction to require a site plan prior to occupancy of the property for any P-O uses. Commissioner Wean seconded the motion, which then carried on a 7-0 vote.

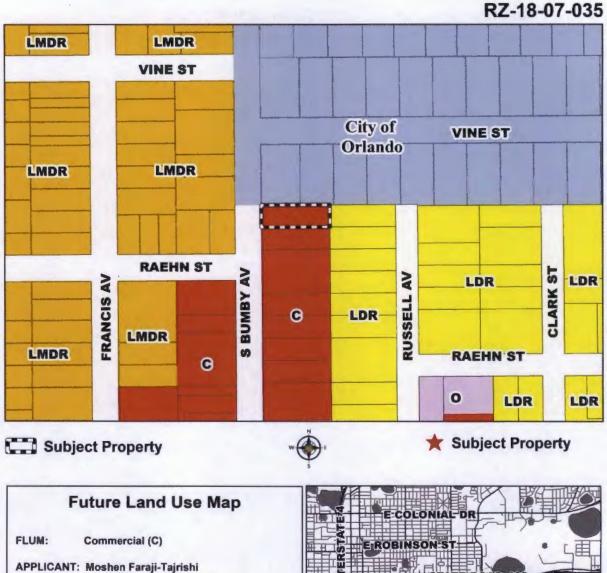
Motion / Second	Tina Demostene / Paul Wean
Voting in Favor	Tina Demostene, Paul Wean, Pat DiVecchio, James Dunn, JaJa Wade, William Gusler, and Gordon Spears

Voting in Opposition No

None

Absent

Jose Cantero and Yog Melwani

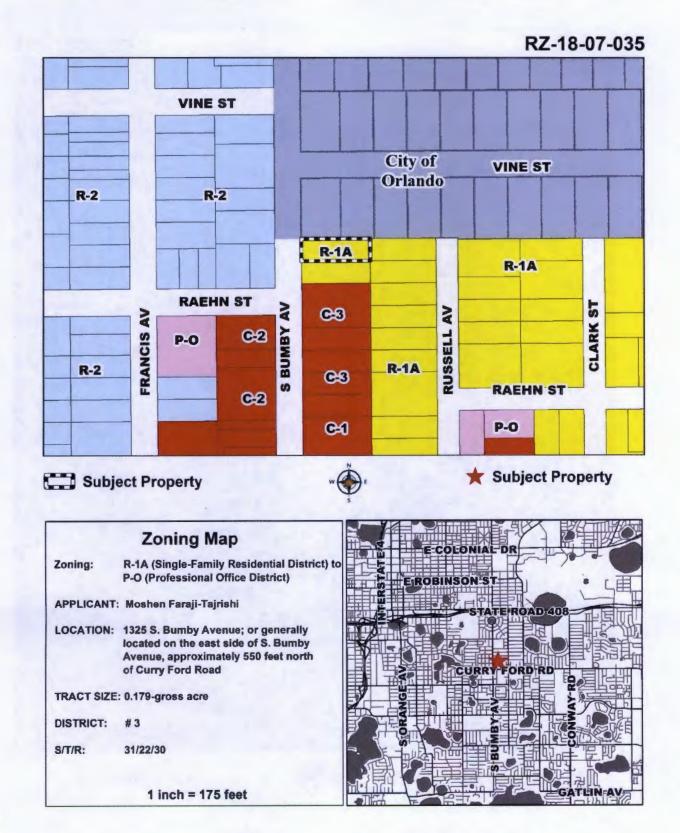


- LOCATION: 1325 S. Bumby Avenue; or generally
- located on the east side of S. Bumby Avenue, approximately 550 feet north of Curry Ford Road
- TRACT SIZE: 0.179-gross acre
- DISTRICT: #3
- S/T/R: 31/22/30

1 inch = 175 feet



July 19, 2018



PZC Recommendation Book

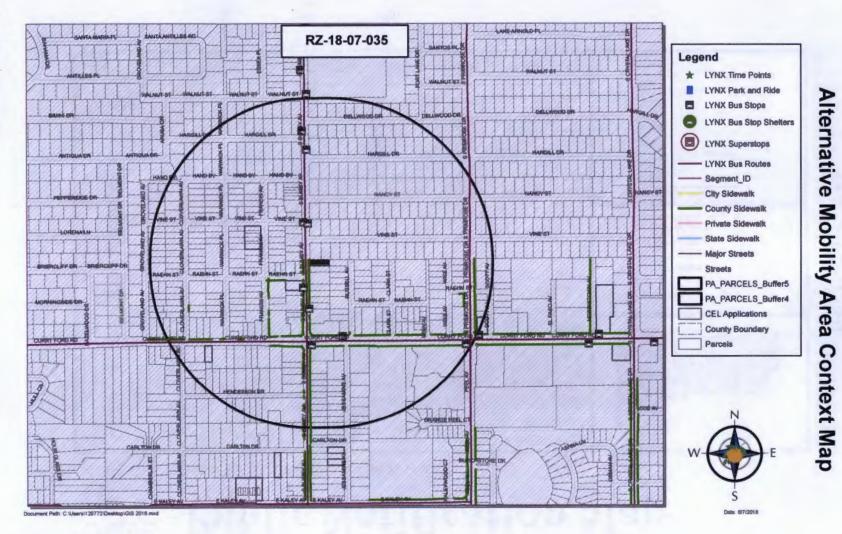
July 19, 2018



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PZC Recommendation Book

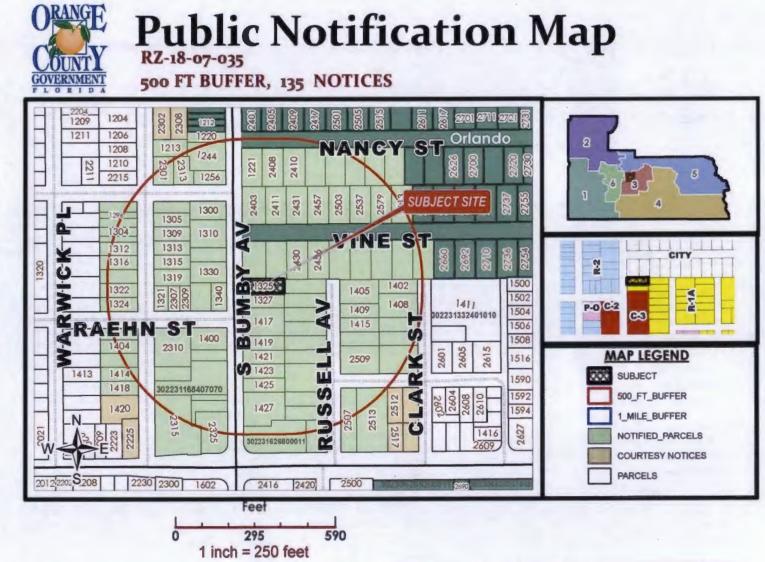
**PZC Recommendation Book** 



Case # RZ-18-07-035 Orange County Planning Division PZC Hearing Date: July 19, 2018

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July 19, 2018



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Case # RZ-18-07-035 Orange County Planning Division PZC Hearing Date: July 19, 2018

Notification Map

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Case Planner: Steven Thorp

#### Rezoning Staff Report Orange County Planning Division PZC Hearing Date: July 19, 2018

### CASE # RZ-18-07-038 Commission District: # 6

#### **GENERAL INFORMATION**

APPLICANT	Joseph Morrell
OWNERS	Willie Lee Willoughby Trust
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1 (Single-Family Dwelling District) <b>to</b> I-2/I-3 (Industrial District District)
LOCATION	5347 Carter Street and 600 Ring Road; or generally located on the west side of Ring Road, south side of Huppel Avenue, approximately 1,555 feet south of Old Winter Garden Road.
PARCEL ID NUMBER	30-22-29-6244-02-010 (a portion of) and 30-22-29-6244-02- 240 (a portion of)
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred eighty-eight (188) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.51-gross acre
PROPOSED USE	I-2/I-3 Industrial Uses

#### STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2/I-3 (Industrial District) zoning, subject to the following restrictions:

- 1. New billboards and pole signs shall be prohibited; and
- 2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the accommodation of I-2/I-3 uses.

# IMPACT ANALYSIS

## Land Use Compatibility

The I-2/I-3 (Industrial 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 Industrial (IND). The IND FLUM designation is generally used to designate those areas of concentrated industrial development that involve the processing of both hazardous and non-hazardous / toxic and non-toxic materials and create a measurable degree of impact to the surrounding environment. However, the varying types and intensity of industrial activity is governed by the more specific industrial zoning district. In this case, the proposed I-2/I-3 (Industrial District) zoning is consistent with the IND FLUM designation and the following CP provisions:

**FLU1.4.16** states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

**FLU1.4.18** states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

**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.

**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 Uses	534	7 Carter Street - Single-Family Dwelling
		Ring Road - Automobile Towing and Storage and Truck asportation
Adjacent Zoning	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	R-1 (Single-Family Dwelling District) (1957)
	W:	Zoning not assigned (City of Orlando)
	S:	PD (Planned Development District – Villages of Timberleaf PD) (City of Orlando)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Radio Transmission Tower
	W:	Undeveloped Industrial
	S:	Single-Family Residential (across Carter Street)

# 1-2/1-3 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS\*

Floor Area Ratio:	≤0.75
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district)
Building Setbacks:	
Front:	25 ft.
Rear:	10 ft.
Side:	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.

## **Permitted Uses**

The intent and purpose of the I-2/I-3 (Industrial District) are as follows:

- 1. To provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities;
- 2. To establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the

adoption of this article but which may be prohibited by the requirements of the I-1A and I-1/I-5 industrial districts;

- To establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land; and
- To establish and maintain standards which will protect adjacent residential and commercial developments.

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

Permitted uses include, but are not limited to, truck terminal facilities, automobile dealers and repair facilities, metal fabrication, wholesale food production, cardboard and paper manufacturing, trade shops, storage yards, commercial plant nurseries, onsite fuel storage, community centers, private educational facilities, and miscellaneous repair services.

## SPECIAL INFORMATION

#### Subject Property Analysis

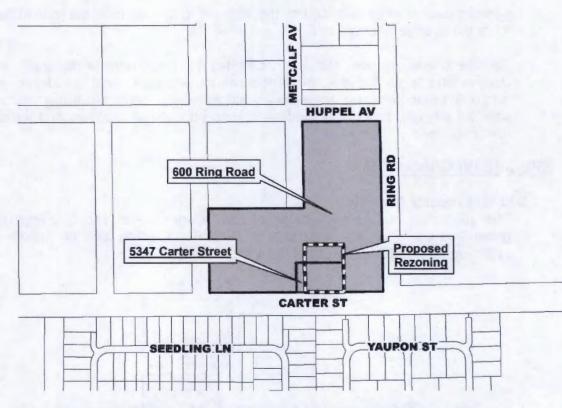
The subject properties are located at 5347 Carter Street and 600 Ring Road; or generally located on the west side of Ring Road, south side of Huppel Avenue, approximately 1,555 feet south of Old Winter Garden Road.



PZC Recommendation Book

The property located at 5347 Carter Street is currently developed with a single-family detached dwelling that was constructed in 1960 and the property located at 600 Ring Road is developed with various automobile towing and repair uses, as well as truck transportation uses.

The subject area proposed for this rezoning was originally platted as a five (5) 25' x 135' (Lots 25 through 29, Block B) and a 38.2' x 135' lot (Lot 24, Block B) within the Orange Heights Subdivision. The plat for the Orange Heights Subdivision was recorded on January 25, 1926.



Today, the subdivision can be characterized as being developed with varying levels of industrial development, with single-family residential uses interspersed between the industrial uses. Further to the south, within the City of Orlando, the Timberleaf Planned Development is developed with single-family detached dwellings.

Through this request, the applicant is seeking to rezone the R-1 (Single-Family Dwelling District) area of the subject parcels from I-2/I-3 (Industrial District) with the intent to bring the zoning in to consistency with the underlying Industrial future land use, as well as the development of I-2/I-3 uses. This rezoning would be consistent with the I-2/I-3 zoning that was established on the majority of the 600 Ring Road parcel in May 21, 1981.

Lastly, while the rezoning is only for the R-1 zoned area, there is a part of either property without a zoning district on it, as that portion of the property is a vacated right-of-way (known as "Metcalf Avenue"). While not depicted on the zoning map, as vacated

right-of-way assumes the zoning adjacent to it, it will be considered as I-2/I-3 zoned property if this rezoning is approved.

## **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) 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.

## **Rural Settlement**

The subject property is not located within a Rural Settlement.

## Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area, but is it adjacent to the City of Orlando. Notice of the public hearing has been sent to the City and the City has provided the following information:

"This property, 5347 Carter Street and 600 Ring Road, is north of a residential subdivision in the City, the Villages of Timberleaf. Any new use or redevelopment on the property should provide a buffer and/or transition area to the residential to the south."

## **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

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.

Any miscellaneous garbage, hazardous waste, yard waste, and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

The developer shall use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

## **Transportation / Access**

This project is located within the Orange County Alternative Mobility Area (AMA) and is exempt from transportation concurrency requirements. A mobility analysis may be required prior to the issuance of any building permit.

## **Code Enforcement**

There is one (1) active Code Enforcement case on Parcel #30-22-29-6244-02-010 (600 Ring Road). This case is filed under Incident #507450, which related to the property having a use permit for an auto repair use, storage of junk vehicles that may not be operable or licenses, and the removal of a recreational vehicle from the property. This violation is outstanding and has a Code Enforcement Board (CEB) hearing scheduled for August 15, 2018 (CEB-2018-378023Z). The requested rezoning has no bearing on this violation or the outcome of the CEB hearing.

## Water / Wastewater / Reclaim

Water:	Existing service or provider Orlando Utilities Commissi	on
Wastewater:	Orange County Utilities	8-inch and 10-inch gravity mains at the intersection of Old Winter Garden and Ring Road
Reclaim Water:	Orange County Utilities	Not available

### Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

### **Parks and Recreation**

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

### 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 – (July 19, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2/I-3 (Industrial District) zoning, subject to the following restrictions:

- 1. New billboards and pole signs shall be prohibited; and
- 2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the

accommodation of I-2/I-3 uses.

## 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 I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that one hundred eighty-eight (188) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) commentaries received in favor or in opposition to this request. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After limited discussion regarding buffering, a motion was made by Commissioner Wade to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions. Commissioner DiVecchio seconded the motion, which then carried on a 7-0 vote.

Motion / Second	JaJa Wade / Pat DiVecchio
Voting in Favor	JaJa Wade, Pat DiVecchio, Paul Wean, William Gusler, Tina Demostene, Gordon Spears, and James Dunn
Voting in Opposition	None
Absent	Jose Cantero and Yog Melwani



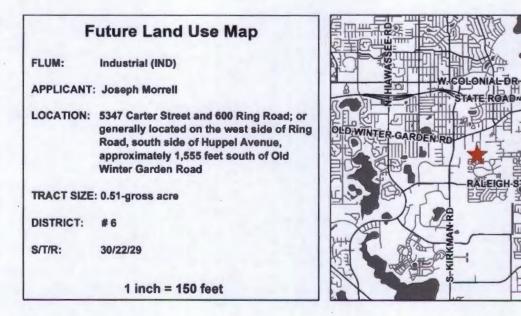
RZ-18-07-038

Subject Property



**\*** Subject Property

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PZC Recommendation Book

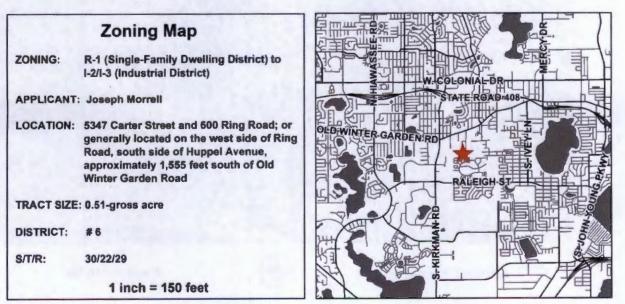
July 19, 2018

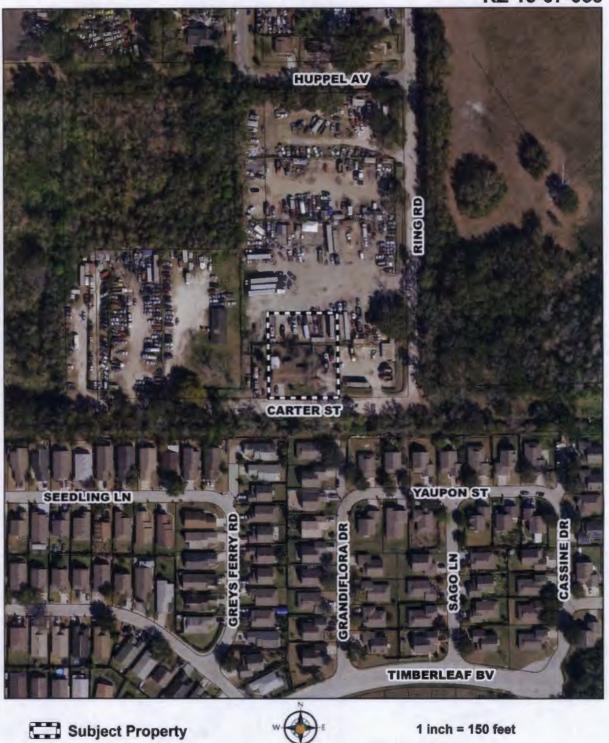


Subject Property



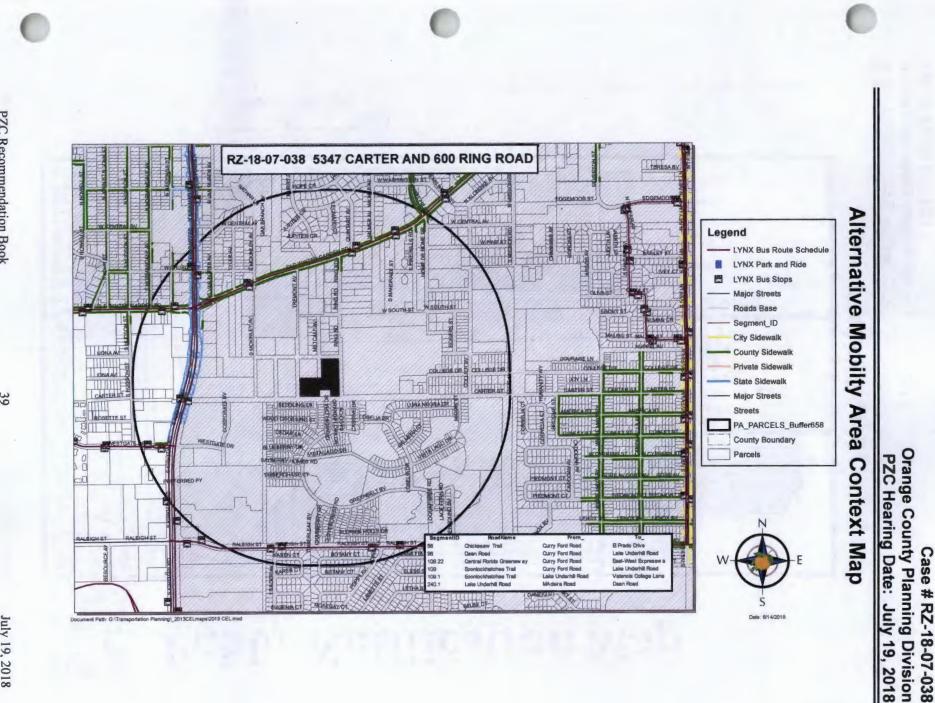
\* Subject Property



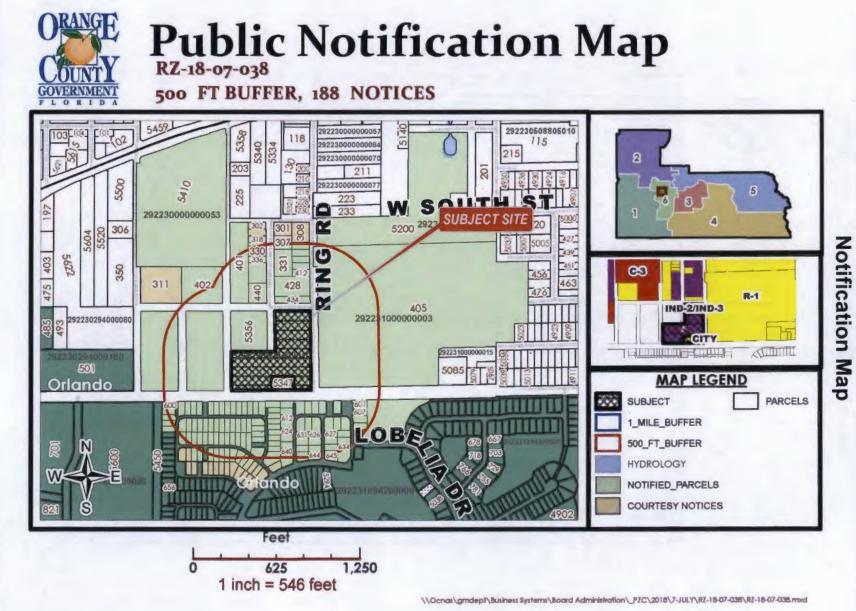


RZ-18-07-038

PZC Recommendation Book



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Orange County Planning Division PZC Hearing Date: July 19, 2018

July 19,

Case # RZ-18-07-038

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PZC Recommendation Book

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July 19, 2018

Case Planner: Steven Thorp Rezoning Staff Report Orange County Planning Division PZC Hearing Date: July 19, 2018

# CASE # RZ-18-07-039 Commission District: # 3

# GENERAL INFORMATION

APPLICANT	Alexander Rey
OWNERS	Primera Construction Corp.
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1AA (Single-Family Dwelling District) <i>to</i> R-1A (Single-Family Dwelling District)
LOCATION	1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 north of Oriente Street.
PARCEL ID NUMBER	31-22-31-0000-00-036 and 31-22-31-0000-00-108
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. Five hundred and thirty (530) notices were mailed to those property owners in the mailing area. A community meeting was required for this application and is summarized below.
TRACT SIZE	7.73 gross acres
PROPOSED USE	Twenty-three (23) Single-Family Residential Dwelling Units

## STAFF RECOMMENDATION

### PLANNING

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

- 1) Development shall be limited to up to twenty-three (23) single-family detached dwelling units;
- All lots that abut the Econ Oaks subdivision shall conform to the R-1AA (Single-Family Dwelling District) development standards.

## IMPACT ANALYSIS

## Land Use Compatibility

The R-1A (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), which allows consideration of up to four (4) residential dwelling units per developable acre. The R-1A (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation and the following applicable CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**GOAL FLU2** states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

## **Community Meeting Summary**

A community meeting was held on June 25, 2018 at Deerwood Elementary School. Excluding the applicant and various Orange County staff, 27 residents were in attendance. Community residents were vocally opposed to the request to change the zoning and general development of the subject property. Issues raised included: the perception of incompatibility; increased traffic; impact to existing wildlife and trees; ingress and egress of the site for future residents, and concerns regarding wetland impacts.

## SITE DATA

Existing Use	Undeveloped Residential	
Adjacent Zoning	N:	R-1AA (Single-Family Dwelling District) (1979)
	E:	R-CE (Country Estate District) (1968)
	W:	R-1AA (Single-Family Dwelling District) (1972)
	S:	R-1AA (Single-Family Dwelling District) (1979)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Retention Pond
	S:	Deerwood Elementary School

## R-1A (Residential District) Development Standards

Min. Lot Area:	7,500 sq. ft.
Min. Lot Width:	75 ft.
Max. Height:	35 ft.
Min. Living Area:	1,200 sq. ft.
Building Setbacks:	
Front:	`20 ft.
Rear:	25 ft.
Side:	7.5 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.

## Permitted Uses

The R-1A (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 north of Oriente Street. The property is currently undeveloped.

The immediate area west of S. Econlockhatchee Trail can be characterized as being developed with single-family detached dwellings on lots consistent with the R-1AA zoning standards with typical suburban street layouts. Additionally, south of the subject property is an Orange County Public Schools (OCPS) elementary school. The area east of S. Econlockhatchee Trail is comprised of unplatted parcels of larger, rural character developed with single-family detached dwellings.

Through this request, the applicant is seeking to rezone the subject parcel from R-1AA (Single-Family Dwelling District) to R-1A (Single-Family Dwelling District), with the intent to develop twenty-three (23) single-family detached dwelling units.

The single-family use is consistent and compatible with the surrounding area and development trends of the community at large. Relatedly, given the larger lots of the Econ Oaks subdivision to the north (ranging between 85 and 100 feet wide), and the more intense school use to the south, staff recommends that the lot sizes transition between the two uses. This transition will permit lots along the northern property line to meet the minimum lot size (R-1AA) of the Econ Oaks subdivision and the lots adjacent to the school meet the development standards of the requested R-1A zoning district.

This transition is similar to the transition proposed by the applicant within his application package and presented at the community meeting, which is a smaller 80' lot width minimum adjacent to the Econ Oaks subdivision and R-1A lots adjacent to the school. The applicant proposal is provided within the map section of the staff report.

#### **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 (LDR) 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

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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.

## **Rural Settlement**

The subject property is not located within a Rural Settlement.

## Joint Planning Area (JPA)

The subject property is not located 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

Wetlands are located on the rear of this property. Prior to any Orange County permits or development approval, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas if 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.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order for the applicant to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

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.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and 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 treat stormwater runoff for pollution abatement purposes. Per Orange County Code Sections 30-277 and 30-278, discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

#### **Transportation / Access**

Based on the 10th Edition of the ITE Trip Generation handbook, the proposed development of 1302 S. Econlockhatchee Trail will generate 25 PM peak hour and 269 daily trips.

Based on the Concurrency Management System database dated June 18, 2018, there are three (3) failing roadway segment(s) within the project impact area: 1) Dean Road from Curry Ford Road to Lake Underhill Road, 2) Econlockhatchee Trail from Lake Underhill Road to Valencia College Lane, and 3) Lake Underhill Road from Madeira Avenue to Dean Road are currently operating below the adopted Level of Service and there is no available capacity.

The applicant will be required to submit a traffic study prior to obtaining an approved Capacity Encumbrance Letter (CEL) and building permit. The applicant is required to attend Roadway Agreement Committee (RAC) to participate in Proportionate Share Agreement prior to the approval of a Prelimiary Subdivision Plan (PSP).

#### **Code Enforcement**

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

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities	16-inch and 36-inch watermains within S. Econlockhatchee Trail right-of-way
Wastewater:	Orange County Utilities	20-inch forcemain within S. Econlockhatchee Trail right-of-way and a gravity sewer manhole located at the intersection of S. Econlockhatchee and Raven Dell Street.

Reclaim Water: Orange County Utilities Not available

#### Schools

Orange County Public Schools (OCPS) has indicated that school capacity is available for up to 23 new residential units (School Capacity Determination OC-18-025). This determination expires December 22, 2018.

## Parks and Recreation

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

#### 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 – (July 19, 2018)

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

- 1) Development shall be limited to up to twenty-three (23) single-family detached dwelling units;
- All lots that abut the Econ Oaks subdivision shall conform to the R-1AA (Single-Family Dwelling District) development standards.

## 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-1A (Single-Family Dwelling District) zoning, subject to two (2) restrictions.

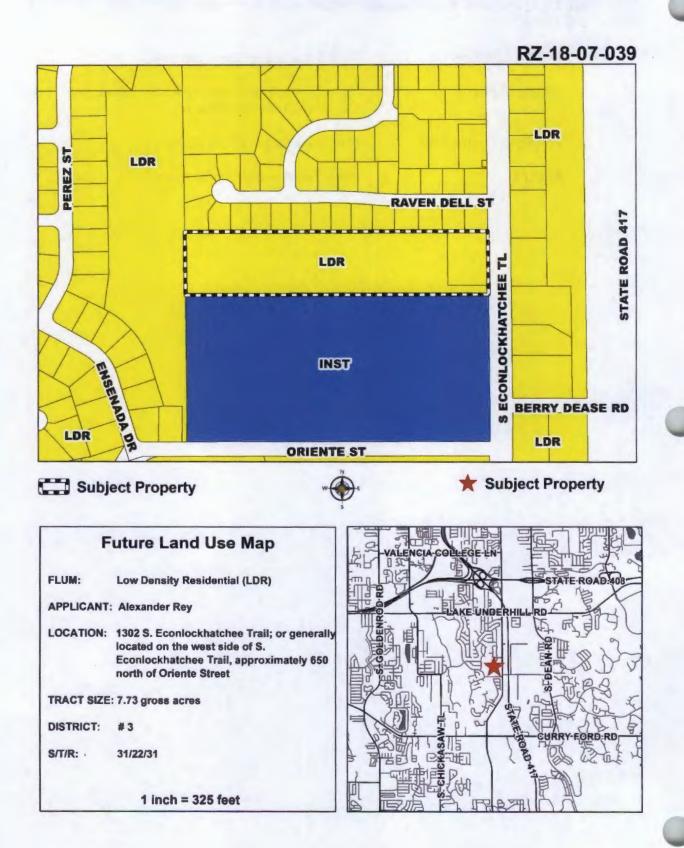
Staff indicated that five hundred thirty (530) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) commentaries received in favor and five (5) received in opposition. The applicant was present and disagreed with the staff recommendation and presented their own recommendation on appropriate restrictions, though ended up agreeing with staff's recommendation. There were four (4) members of the public present to speak in opposition to this request.

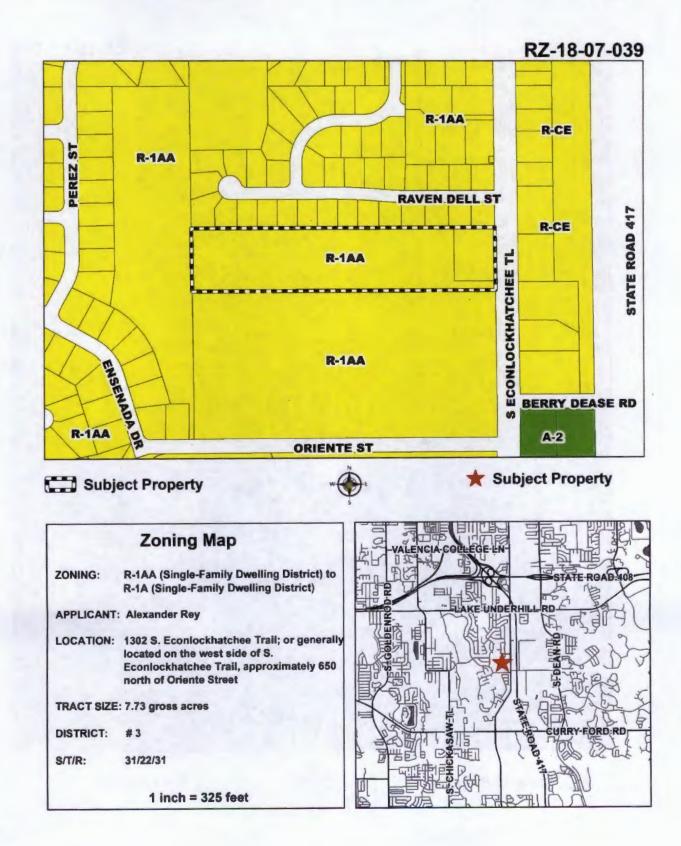
After limited discussion regarding buffering, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1A (Single-Family Dwelling District) zoning, subject to

two (2) restrictions. Commissioner DiVecchio seconded the motion, which then carried on a 5-2 vote.

Motion / Second	Tina Demostene / Pat DiVecchio
Voting in Favor	Tina Demostene, Pat DiVecchio, JaJa Wade, James Dunn, and Gordon Spears
Voting in Opposition	Paul Wean and William Gusler
Absent	Jose Cantero and Yog Melwani

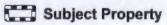






RZ-18-07-039







1 inch = 275 feet

#### COMMUNITY: EAGLES LANDING

[PROJECT SUMMARY + PROPOSED COMMUNITY MAP]

EAGLES LANDING is a proposed Non-Gated New Home Community for an existing vacant residential parcel of land directly north and adjacent to Deerwood Elementary.

- SIZE: The parcels are approximately 7.75+/- Acres and have an estimated 0.5 Acres of wetland which will remain UNDISTURBED.
- LOTS: This New Home Community will consist of 12- 80' wide lots which will boarder the existing community of Econ Oaks AND 11-75' wide lots which will boarder Deerwood Elementary.
- HOMES: The proposed homes for this New Home Community will average 3,000 Square Feet of Living Area and have an average of 4 Bedrooms + 3 Bathrooms.

ZONING: The Zoning required for these size lots is the same zoning that the Preserve of Rio Pinar has for the home sites located in its north village.

This Zoning is R-1A and amongst other requirements, determines that the lot sizes can be no smaller than 75' in width. Eagles Landing will meet this requirement as well as all other requirements for R-1A all while providing NEW Homes to the area and increased property values.

Applicant Proposed

**Conceptual Subdivision Design** 

**Orange County Planning** 

Case # RZ-18-07-039

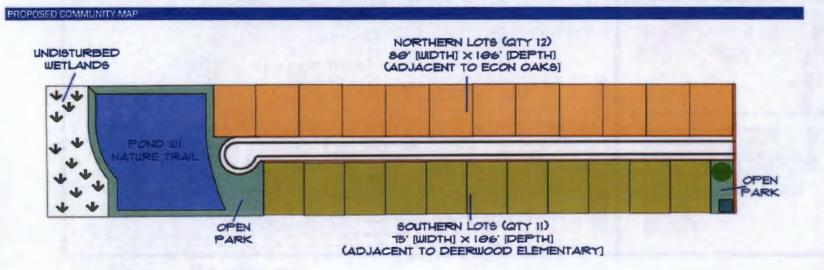
PZC

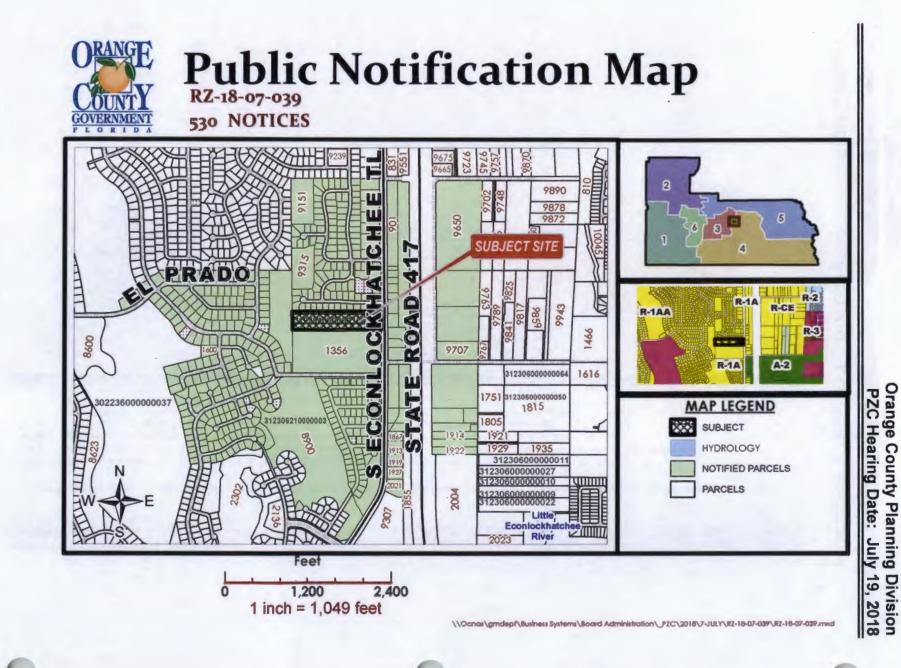
Hearing Date:

July

Division 19, 2018

LANDING





Case # RZ-18-07-039

Case Planner: Steven Thorp Rezoning Staff Report Orange County Planning Division PZC Hearing Date: July 19, 2018

Transfer Transfer and the

# CASE # RZ-18-07-040 Commission District: # 3

# **GENERAL INFORMATION**

APPLICANT	Ryan Young
OWNERS	East West Place, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) <i>to</i> R-1 (Single-Family Dwelling District)
LOCATION	1516 Jessamine Avenue; or generally located on the west side of Jessamine Avenue, approximately 120 feet south of Curry Ford Road.
PARCEL ID NUMBER	06-23-30-3328-02-290
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-three (93) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.46-gross acre
PROPOSED USE	Off-Site Commercial Parking Lot (Subject to approval of a Special Exception)

# 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.

## IMPACT ANALYSIS

## Land Use Compatibility

The R-1 (Single-Family Residential 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-Medium Density Residential (LMDR). The R-1 (Single-Family Residential District)

zoning is consistent with the Low-Medium Density Residential 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	Single-Family Dwelling	
Adjacent Zoning	N:	C-1 (Retail Commercial District) (1978)
	E:	R-1A (Single-Family Dwelling District) (1957) and R-1 (Single Family Dwelling District) (2009)
	W:	C-1 (Retail Commercial District) (1976)
	S:	R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses	N:	Restaurant / Auto Repair and Car Wash
	E:	Single-Family Residential
a state of	W:	Office / Contractor Storage / Auto Repair
	S:	Single-Family Residential

## 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:	its a contract of
Front:	20 ft.
Rear:	20 ft.
Side:	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.

#### **Permitted Uses**

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide the same general character as the R-1AA and R-1A, which are intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions, 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 1516 Jessamine Avenue; or generally located on the west side of Jessamine Avenue, approximately 120 feet south of Curry Ford Road. The property is currently developed with a single-family detached dwelling.

The subject parcel was originally platted as three 50' x 135' (Lots 29-31, Block B) within Handsonhurst Park. The plat for Handsonhurst Park was recorded on October 21, 1925. Today, the subdivision can be characterized as being developed with single-family detached dwellings on a variety of parcel sizes. The subdivided area is primarily zoned R-1, R-1A, R-2, C-1 and C-2.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-1 (Single Family Dwelling District), with the intent

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to construct an off-site commercial parking lot in conjunction with the "Hourglass District" redevelopment, subject to a Special Exception.

## **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) 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.

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### Joint Planning Area (JPA)

The subject property is not located 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

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

The applicant is advised that no person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity without taking reasonable precautions to prevent such emissions

Any existing septic tanks or wells shall be properly abandoned by the applicant prior to earthwork or construction.

The applicant shall use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

#### Transportation / Access

This project is located within the Orange County Alternative Mobility Area and is exempt from transportation concurrency requirements.

#### Code Enforcement

There is one (1) active Code Enforcement case on the subject property. This case is filed under Incident #512304, which relates to the outdoor storage of trash, junk and debris, including, but not limited to construction debris, and piles of dirt, gravel, and concrete, as well as storage of commercial vehicles, equipment, and dumpsters. This violation is outstanding and has not been scheduled for a Code Enforcement Board hearing. This rezoning will not remedy the Code Enforcement incident as outdoor storage is not a permitted use in the proposed R-1 zoning district.

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

#### Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered "de minimis" and therefore exempt from capacity review.

#### Parks and Recreation

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

#### 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 – (July 19, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

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

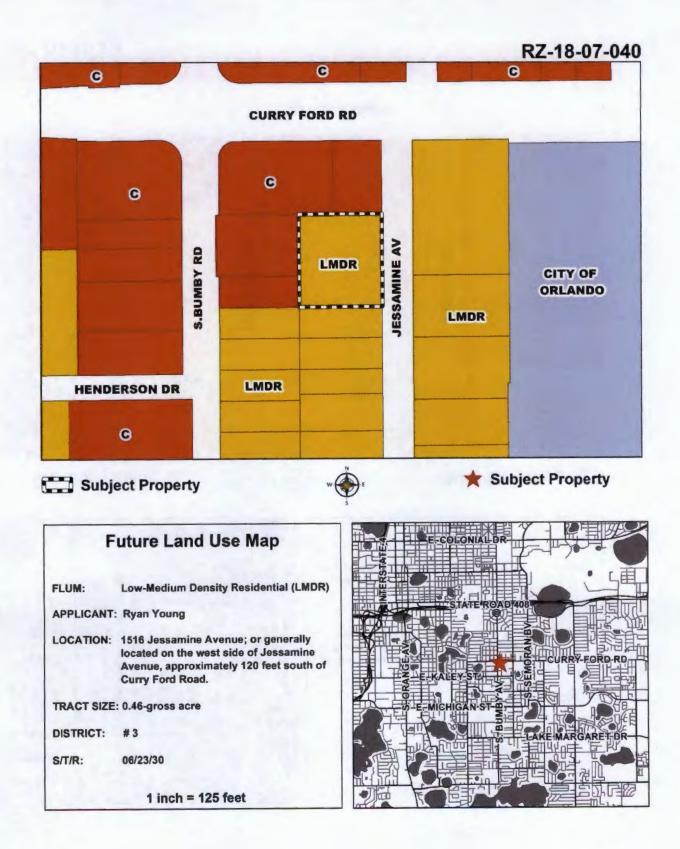
The staff report was presented to the PZC with the recommendation that they Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

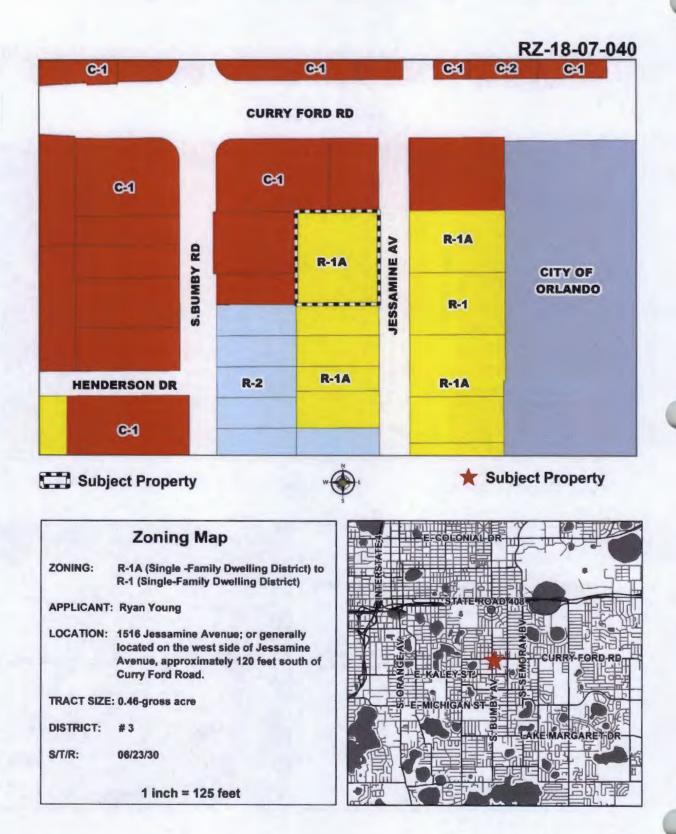
Staff indicated that ninety-three (93) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject parcel, with one (1)

commentary received in favor of the request and zero (0) in opposition. The applicant was not present. There were no members of the public present to speak on this request.

After a brief discussion, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. Commissioner Gusler seconded the motion, which then carried on a 7-0 vote.

Tina Demostene / William Gusler
Tina Demostene, William Gusler, Paul Wean, Pat DiVecchio, Gordon Spears, JaJa Wade, and James Dunn
None
Jose Cantero and Yog Melwani





July 19, 2018

RZ-18-07-040



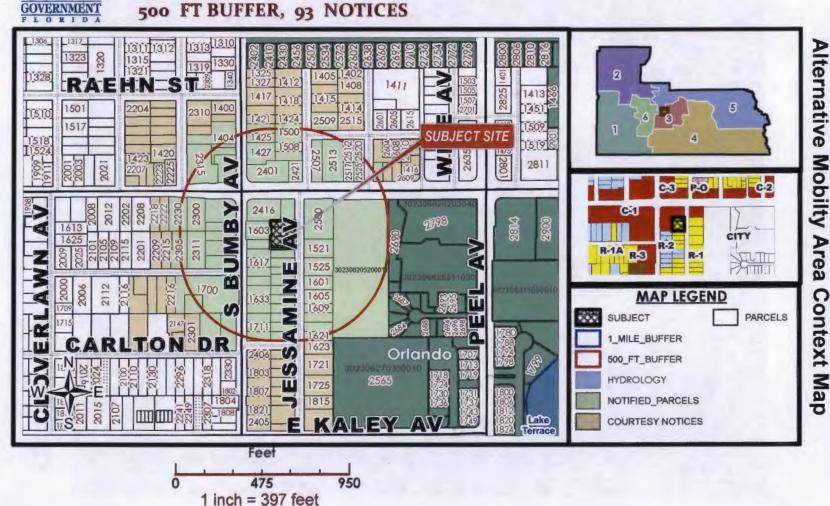




1 inch = 125 feet



Public Notification Map



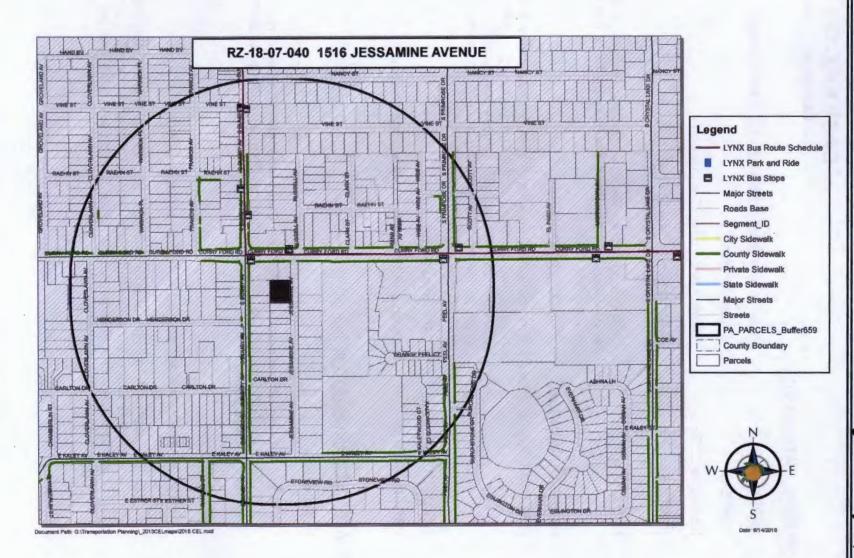
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Case # RZ-18-07-040 Orange County Planning Division PZC Hearing Date: July 19, 2018

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PZC Recommendation Book

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July 19, 2018

# CASE # RZ-18-07-041 Commission District: # 4

# **GENERAL INFORMATION**

APPLICANT	W & J International Enterprise, LLC (Laura Villegas)

OWNERS William Mattern

HEARING TYPE Planning and Zoning Commission

REQUESTA-2 (Farmland Rural District) (1957) toI-1/I-5 (Industrial District)

- LOCATION 11614 Boggy Creek Road; or generally located on the west side of Boggy Creek Road, approximately 725 feet north of Airport Park Drive.
- PARCEL ID NUMBER 17-24-30-0000-00-006

**PUBLIC NOTIFICATION** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Thirty-two (32) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.

TRACT SIZE 1.967 gross acres

PROPOSED USE Outdoor storage of portable storage containers

# STAFF RECOMMENDATION

# PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

# Restrictions

- 1 New billboards and pole signs shall be prohibited; and
- 2 The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses on the property.

# IMPACT ANALYSIS

#### Land Use Compatibility

The I-1/I-5 (Industrial 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 Industrial (IND). The proposed I-1/I-5 (Industrial District) zoning is consistent with the Industrial (IND) FLUM designation and the following Comprehensive Plan provisions:

**FLU1.4.16** states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

**FLU1.4.17** states that Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County.

**FLU1.4.18** states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

**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	Unde	eveloped Land
Adjacent Zoning	N:	I-1/I-5 (Industrial District) (1988)
	E:	City of Orlando / AC-3 (Metropolitan Activity Center)
In the second second	W:	I-1/I-5 (Industrial District) (1988)
	S:	I-1/I-5 (Industrial District) (1988)
Adjacent Land Uses	N:	Undeveloped Land
	E:	Undeveloped Land
	W:	Outdoor storage and rental of containers and mobile offices
	S:	Outdoor storage and rental of containers and mobile offices

# 1-1/I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS \*

Floor Area Ratio: Max. Height:	≤0.75 50 ft. (35 ft. within 100 ft. of a residential zoning district)
Building Setbacks: Front:	35 ft.
Rear:	25 ft.
Side:	25 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.

# **Permitted Uses**

I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial 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. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

# SPECIAL INFORMATION

#### **Subject Property Analysis**

The subject property is located 11614 Boggy Creek Road; or generally located on the west side of Boggy Creek Road, approximately 725 feet north of Airport Park Drive. The Future Land Use Map established an industrial corridor along the portion of Boggy Creek Road which encompasses the subject property adjacent to the Orlando International Airport property.

Through this request, the applicant is seeking to rezone the currently undeveloped property from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) to allow for the storage of portable storage containers. There are several similar industrial uses surrounding the subject property including a recycling center storage yard and another business which stores and rents potable storage containers and mobile offices.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) 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.

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area, but is it adjacent to the City. Notice of the public hearing has been sent to the City and the City has provided the following information:

This property, 11614 Boggy Creek Road is within the City of Orlando wastewater service area per the City of Orlando/Orange County Wastewater Service Territorial Agreement. As the property is on septic currently, if the Florida Department of Health determines the property must connect to the City wastewater lines, the property must be annexed into the City.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### **Airport Noise Zone**

The subject property is located within Airport Noise Zones "C" and "D". However, commercial uses are not subject to the aircraft noise / land use regulations described in Orange County Code Section 9-604.

#### Environmental

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells. Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

The applicant has been advised to use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches, as well as to minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. Construction will require Best Management Practices (BMPs) for erosion control. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected as indicated in 34-250(g), which may require periodic street sweeping.

# **Transportation / Access**

Based on the Concurrency Management System database dated June 18, 2018, there is one (1) failing roadway segment within the project impact area. Boggy Creek Road from Tradeport Drive to Wetherbee Road is currently operating below the adopted level of service and there is no available capacity. The proposed use is expected to generate less than 50 P.M. peak hour trips, and may be considered to be "de minimis". The Applicant will be required to comply with concurrency prior to obtaining a building permit.

#### **Code Enforcement**

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

#### Water / Wastewater / Reclaim

Water:	Existing service or provider Orlando Utilities Commission	
Wastewater:	City of Orlando	
Reclaim Water:	City of Orlando	

#### Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

#### Parks and Recreation

Orange County Parks and Recreation did not provide any objections to this request.

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

PZC Recommendation – (July 19, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

Restrictions:

- 1. New billboards and pole signs shall be prohibited; and
- The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses on the property.

# 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 I-1/I-5 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that thirty-two (32) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) received in favor or in opposition of the request. The applicant was present at the hearing and agreed with staff's recommendation. Commissioner Demostene expressed concern that the use was currently operating on the property without proper approvals and requested that staff contact Code Enforcement to ensure that restriction #2 was followed.

Following limited discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the P-O (Professional Office District) zoning district, subject to the two (2) restrictions listed in the staff report. Commissioner Wade seconded the motion, which then carried on a 7-0 vote.

Motion / Second	Pat DiVecchio / JaJa Wade	
Voting in Favor	Pat DiVecchio, JaJa Wade, William Gusler, Gordon Spears, Paul Wean, James Dunn, and Tina Demostene	

Voting in Opposition None

Absent

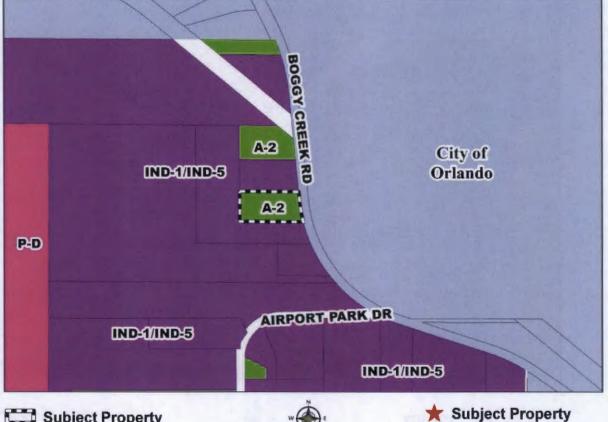
Jose Cantero and Yog Melwani

RZ-18-07-041



F	uture Land Use Map	ATH-ST
FLUM:	Industrial (IND)	
APPLICANT:	Laura Villegas	
LOCATION:	11614 Boggy Creek Road; or generally located on the west side of Boggy Creek Road, approximately 725 feet north of Airport Park Drive.	FIL B
TRACT SIZE	: 1.967-gross acre	EWETHERBEE RD GG+ CREEK
DISTRICT:	#3	A A A A A A A A A A A A A A A A A A A
S/T/R:	17/24/30	
		THE B RAL
	1 inch = 525 feet	STATE ROAD 417

RZ-18-07-041



# Subject Property



GGY CREEK

# **Zoning Map** Zoning: A-2 (Farmland Rural District) to I-1/I-5 (Indstrial District) **APPLICANT: Laura Villegas** LOCATION: 11614 Boggy Creek Road; or generally located on the west side of Boggy Creek Road, approximately 725 feet north of Airport Park Drive. TRACT SIZE: 1.967-gross acre DISTRICT: #3 S/T/R: 17/24/30

RZ-18-07-041



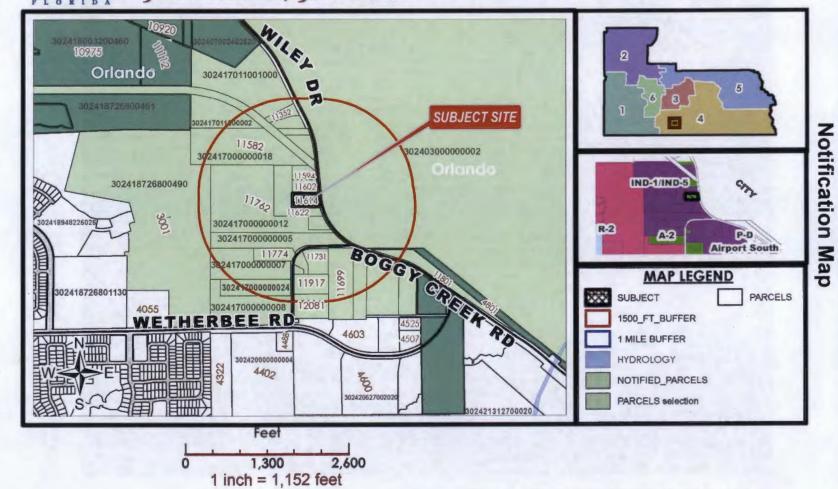


1 inch = 400 feet



Public Notification Map

500 FT BUFFER, 32 NOTICES



\\Ocnas\amdept\&usiness Systems\&oard Administration\\_PZC\2018\7-JULY\RZ-18-07-041\RZ-18-07-041.mxd

Case # RZ-18-07-041 Orange County Planning Division PZC Hearing Date: July 19, 2018

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July 19, 2018