

*Orange County Zoning Division*

**VA-21-04-013**

**APPLICANT: DURHAM PLACE  
(RICK BALDOCCHI)**

**July 27, 2021**



# Background

**APPLICANT:** DURHAM PLACE (RICK BALDOCCHI)

**CASE:** VA-21-04-013

**ZONING:** R-3 (Multiple-Family Residential District)

**FUTURE LAND USE:** MDR (Medium Density Residential)

**ADDRESS:** 5215 S. Orange Blossom Trail, Orlando, Florida,  
32839

**LOCATION:** East of Lake Bumby, north of the terminus of  
Lake Jessamine Dr. and south of Holden Ave.

**TRACT SIZE:** +/- 20.8 acres (12.4 acres upland)

**DISTRICT:** 3

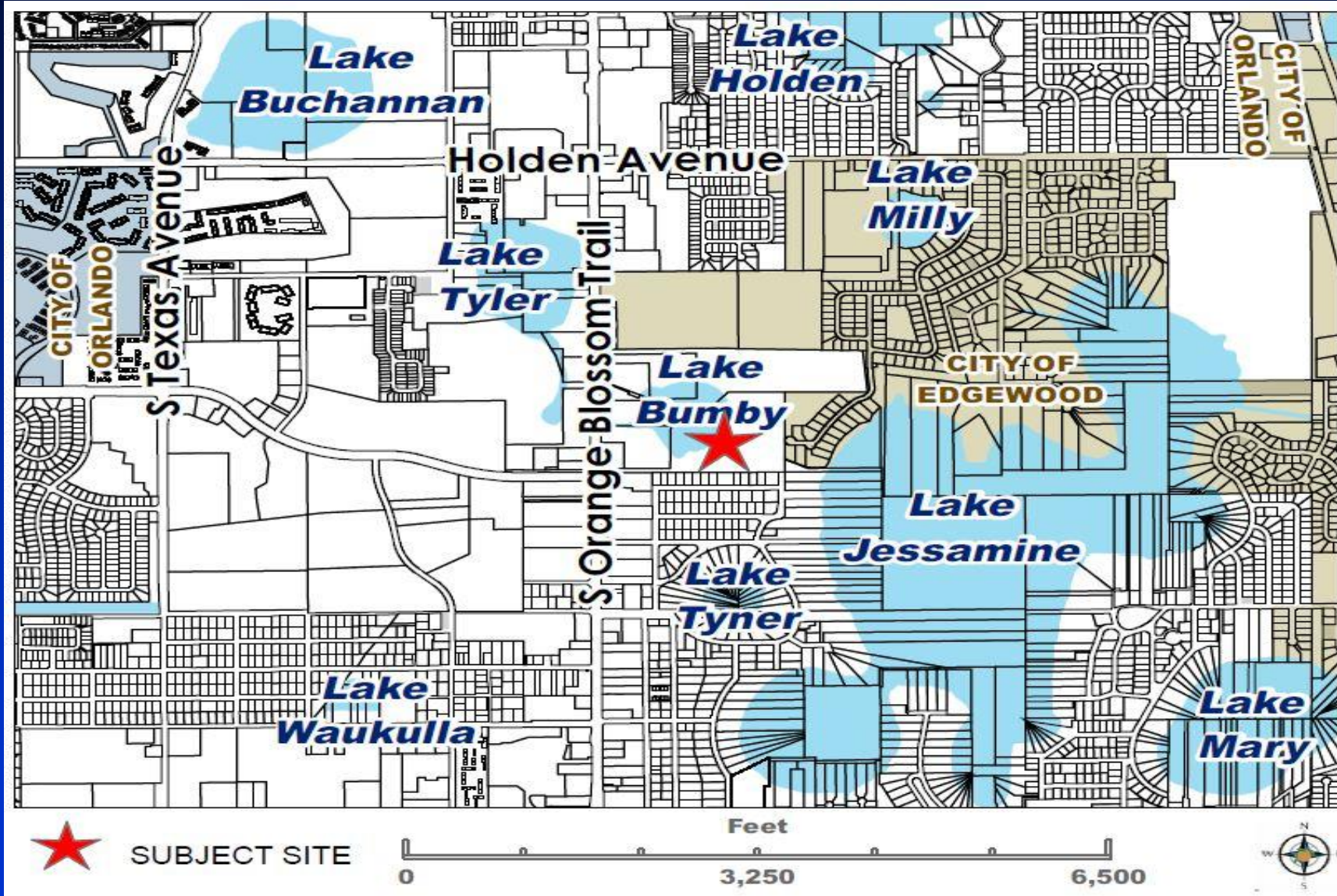


## Background

- REQUEST:**      **Variances for multi-family development in the R-3 zoning district as follows:**
- 1) To allow 118 parking spaces in lieu of 178.**
  - 2) To allow a maximum of 43 ft. in building height in lieu of 35 ft.**



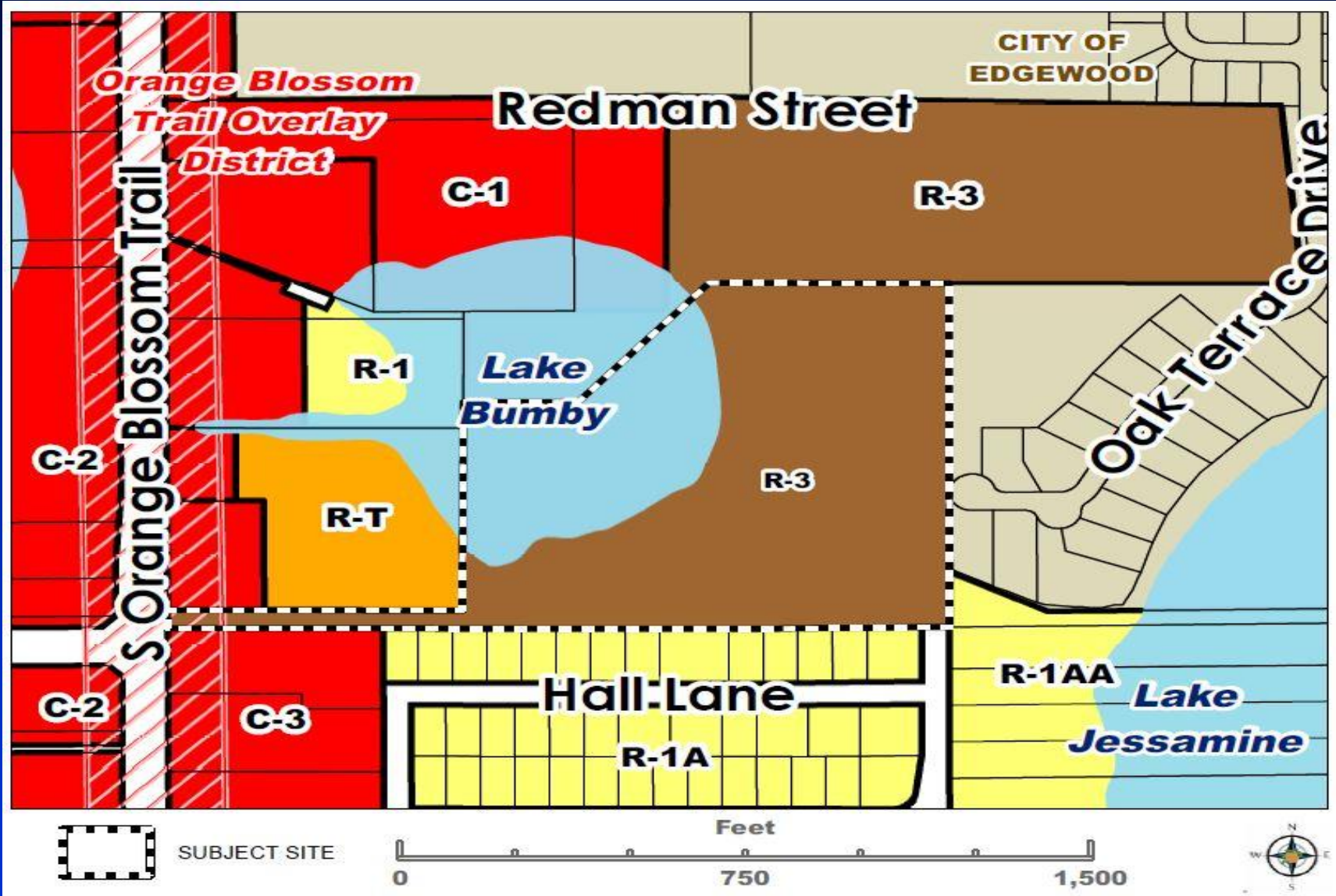
# Location Map







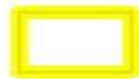
# Zoning Map







# Aerial Map



SUBJECT SITE

Feet

0

750

1,500







# Site Plan

## 5. PERVIOUS/IMPERVIOUS CALCULATIONS:

IMPERVIOUS AREA: 546,852 S.F. (12.55 AC.) 60.33%  
PERVIOUS AREA: 359,648 S.F. (8.26 AC.) 39.67%  
TOTAL AREA: 906,500 S.F. (20.81 AC.) 100%

### PARKING REQUIRED:

1.5 SPACES PER 1 BEDROOM UNIT - 53 UNITS \* 1.5 = 80 SPACES  
2 SPACES PER 2 OR 3 BEDROOM UNIT - 49 UNITS \* 2 = 98 SPACES  
TOTAL = 178 SPACES  
A VARIANCE IS BEING REQUESTED FROM THE BOARD OF ZONING ADJUSTMENT

TOTAL PARKING PROVIDED: 118 SPACES  
STANDARD SPACES (10'X18'): 112 SPACES  
HANDICAP SPACES (12'X18'): 6 SPACES

TOTAL AREA TO BE DEVELOPED = 12.423 AC

\*EXCLUDES WETLAND/LAKE AREA\*\*

IMPERVIOUS AREA: 8.256 ACRES  
BUILDING, SIDEWALK, PAVEMENT - 3.576 ACRES  
POND, NCL - 0.591 ACRES

TOTAL IMPERVIOUS AREA = 4.167 ACRES (33.54%) (80% MAX)

PERVIOUS AREA - 8.256 ACRES (66.46%)

TOTAL PROJECT AREA - 12.423 ACRES (100.0%)

### DENSITY:

MULTI-FAMILY - 102 UNITS / 12.423 ACRES = 8.21 DU/AC

### OPEN SPACE REQUIRED:

45% OF BUILDABLE LAND

12.423 AC PROJECT SITE

12.423 AC X .45% = 5.590 AC

### OPEN SPACE PROVIDED:

CATEGORY A: 8.256 AC

PERVIOUS AREAS (PARK, AREA SOUTH OF ENTRANCEWAY, LANDSCAPE ISLANDS/BUFFERS)

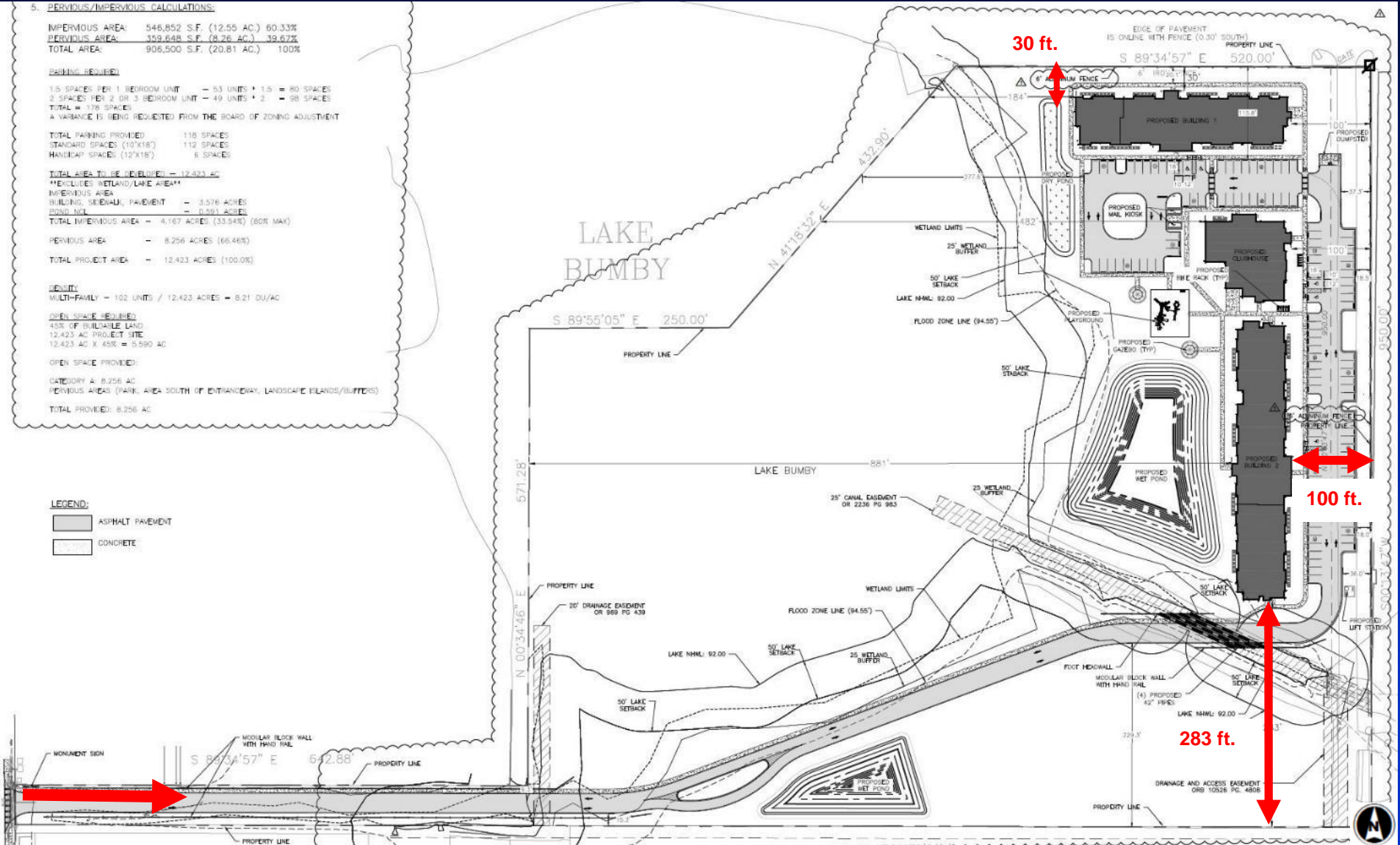
TOTAL PROVIDED: 8.256 AC

### LEGEND:

ASPHALT PAVEMENT

CONCRETE

S. Orange Blossom Trail





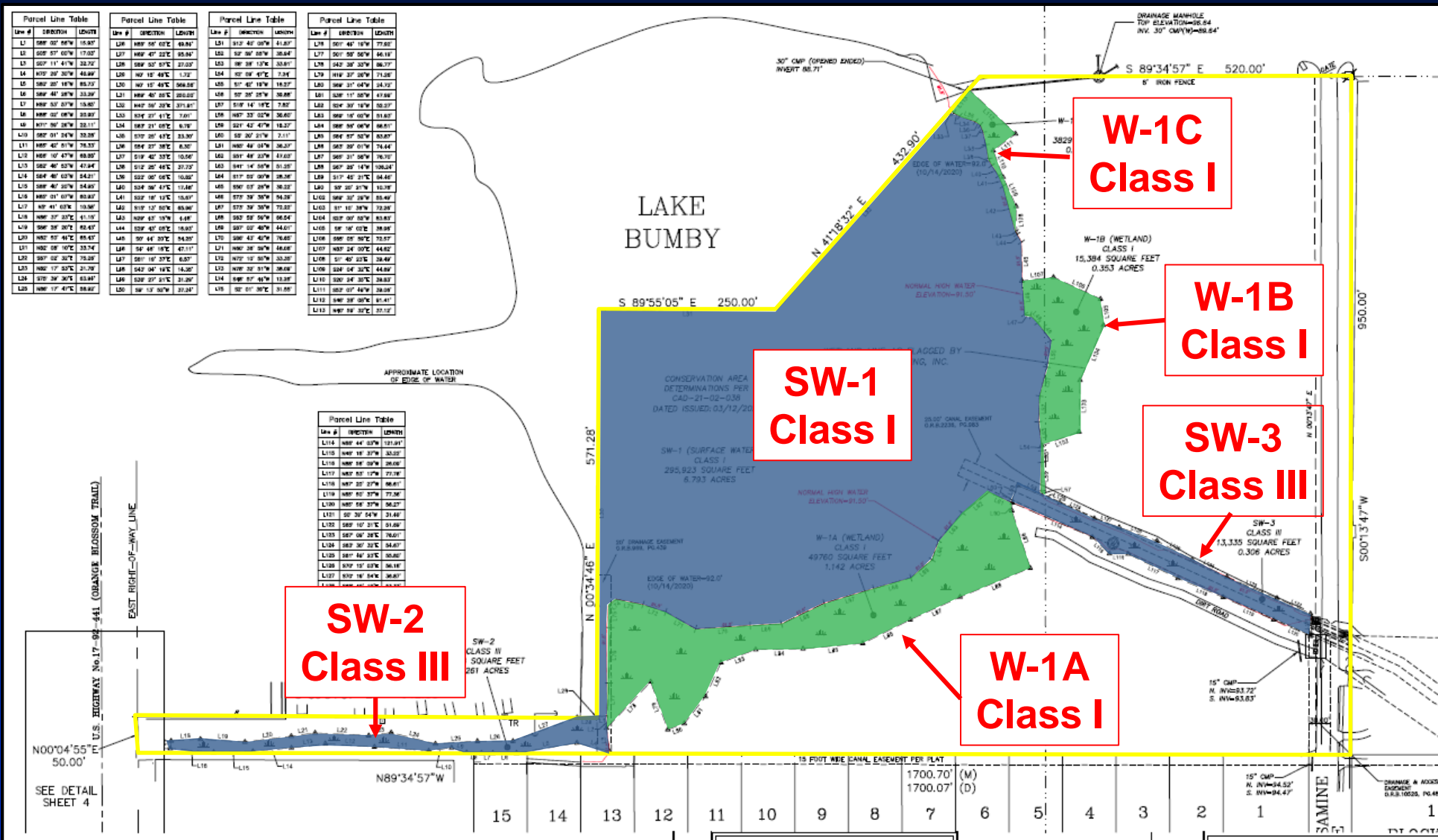
## Recap of July 13, 2021 Public Hearing

- Full presentation on requested variances, staff analysis and BZA recommendations
- Public testimony
  - Concerns about the use, wildlife, environment
- Board inquired about potential wetland impacts
- Continued to allow for the completion of Conservation Area Determination



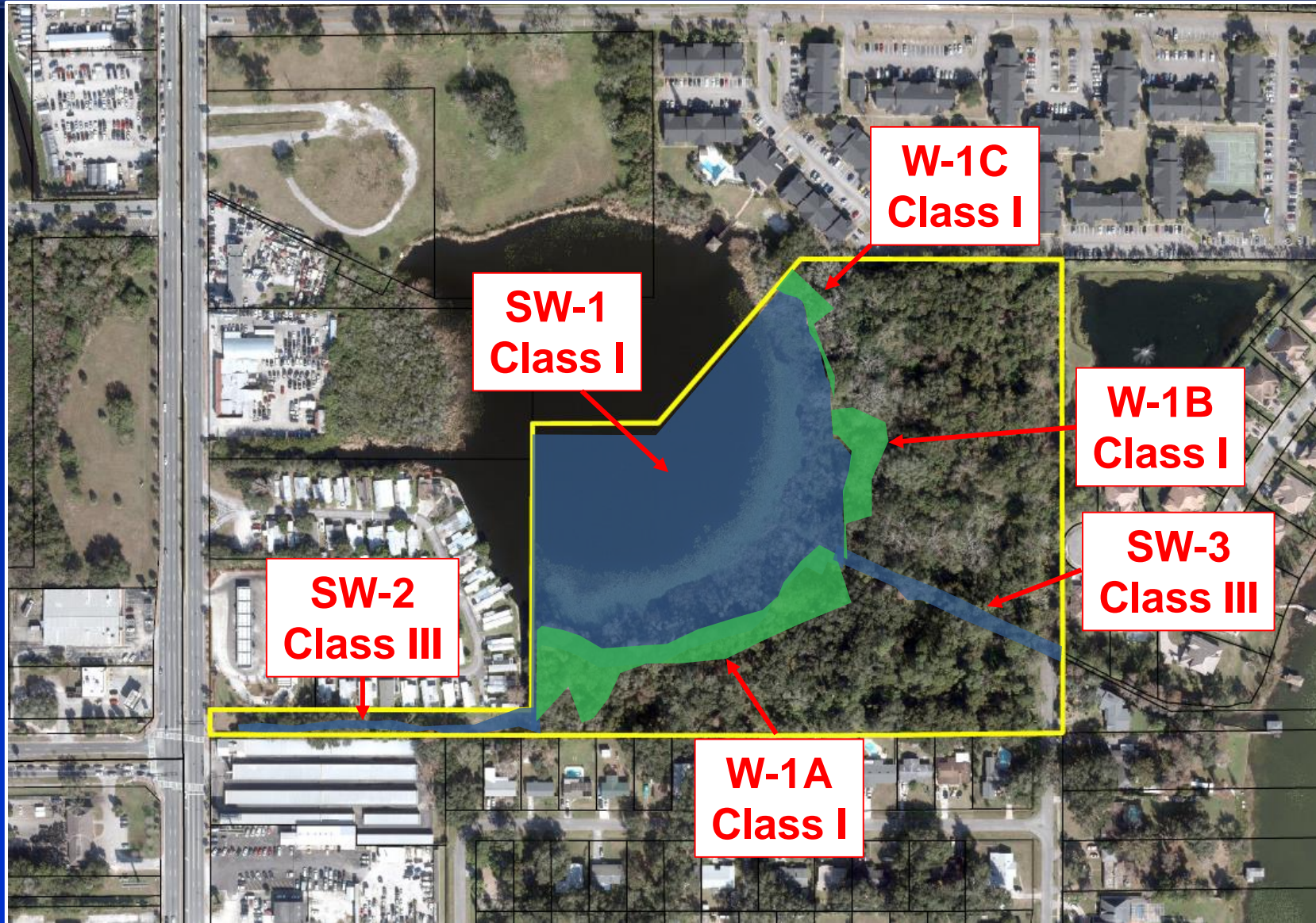


# CAD Survey

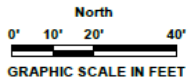




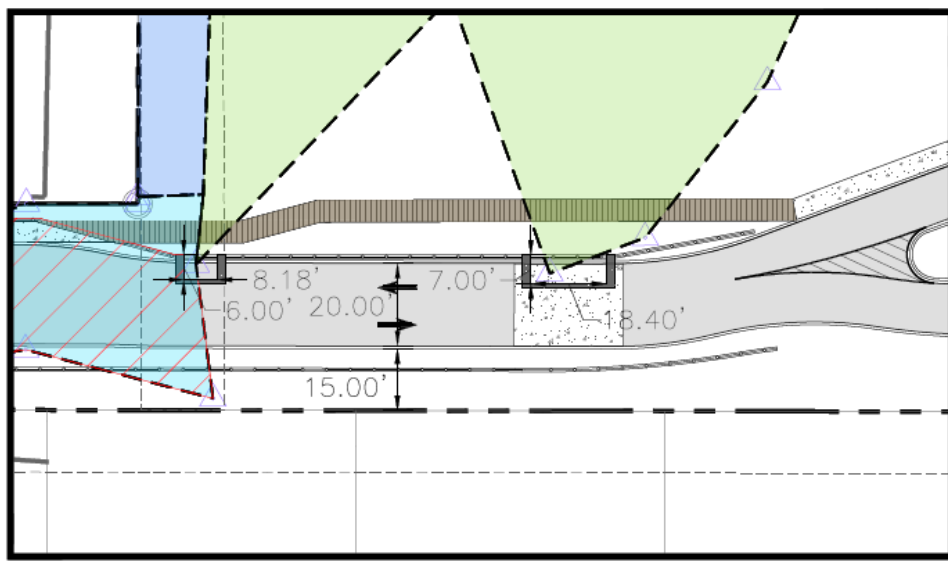
# Aerial Photograph







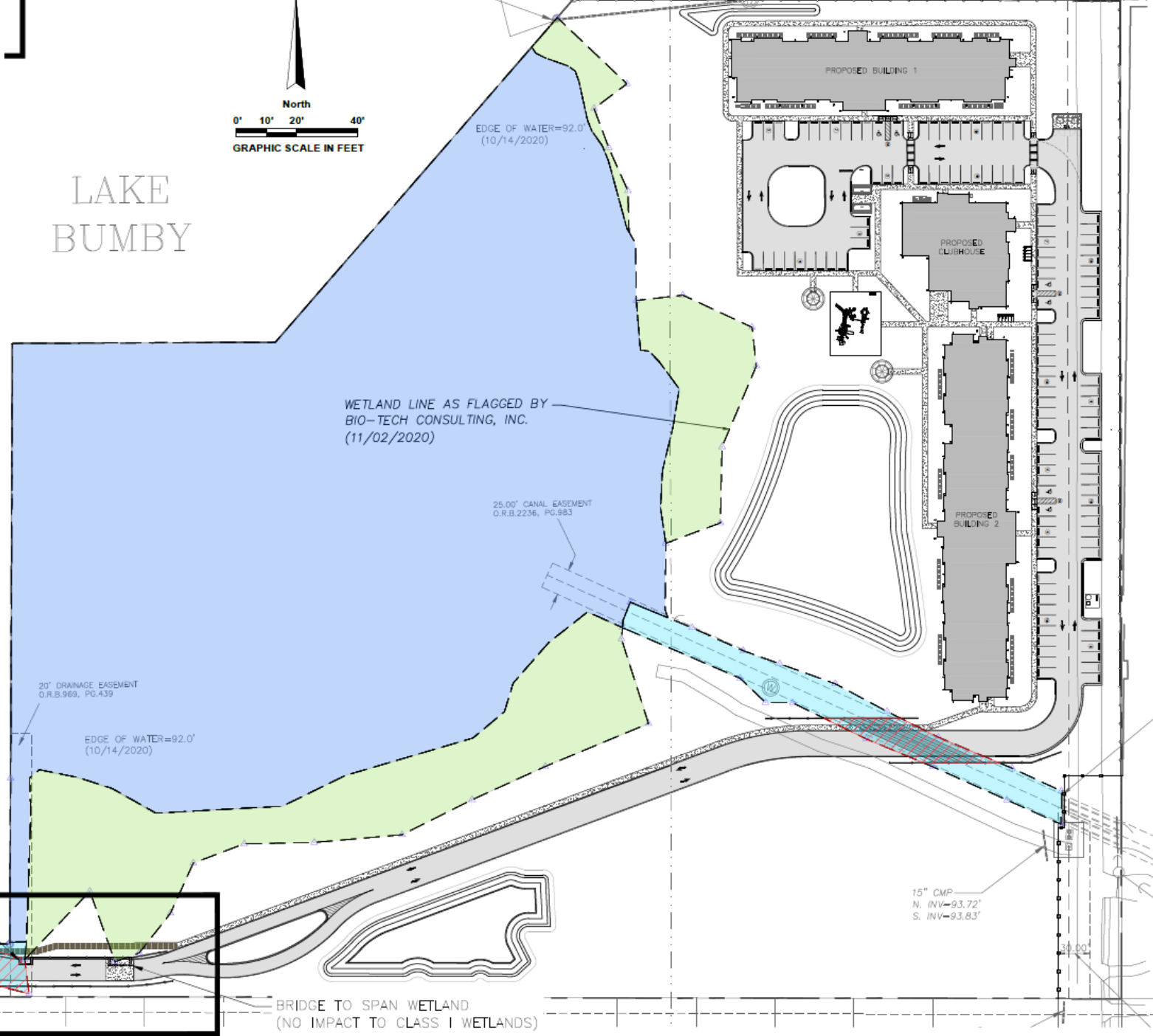
# LAKE BUMBAY



**LEGEND:**

- SURFACE WATERS – CLASS I WETLANDS
- SURFACE WATERS – CLASS III WETLANDS
- WETLANDS – CLASS I WETLANDS
- WETLANDS – CLASS I WETLANDS
- PROPOSED BOARDWALK – NO WETLAND IMPACT

CLASSIFICATIONS PER CAD-21-02-038



APPROXIMATE LOCATION OF EDGE OF WATER

CONSPAN ARCH CULVERT (NO IMPACT TO CLASS I WETLANDS)

BRIDGE TO SPAN WETLAND (NO IMPACT TO CLASS I WETLANDS)





# Environmental Site Considerations

- **Conservation Area Determination: Class I wetlands and Class III surface water (ditch) onsite.**
- **Conservation Area Impact permit required for any proposed impacts: Not submitted.**
- **Process for approval of impacts**
  - Class I: Brought forward as a Public Hearing to the Board.
  - Class III: Issued by the Environmental Protection Officer (EPD Manager)
- **Bald Eagle Non-Purposeful Take application submitted to USFWS**  
**May**



# Variance Criteria

## Section 30-43 (3), Orange County Code

**Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:**

- 1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties**
- 2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant**
- 3. No Special Privilege Conferred - Approval will not confer on the applicant any special privilege**
- 4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district**
- 5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure**
- 6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood**



## BZA Findings

- The BZA concluded that the variances were minimum requests, and recommended approval of the variances, subject to the five conditions in the staff report.





# Conditions of Approval

- 1. Development shall be in accordance with the site plan and elevations dated April 14, 2021, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**



# Conditions of Approval

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.**
- 4. Permits shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.**
- 5. The parking variance remains in effect only so long as this remains certified affordable housing. Any conversion to market rate housing shall be required to meet the parking requirements of the County Code.**



# Modified/New Conditions of Approval

1. Development shall be in accordance with the site plan dated July 9, 2021, as modified pursuant to condition #6, and elevations dated April 14, 2021, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
6. The site plan shall be updated to reflect the layout shown on wetland impact exhibit dated July 15, 2021.





## Requested Action

- Deny the applicant's requests; or
- Approve the applicant's requests with conditions



# Relocation of Lift Station

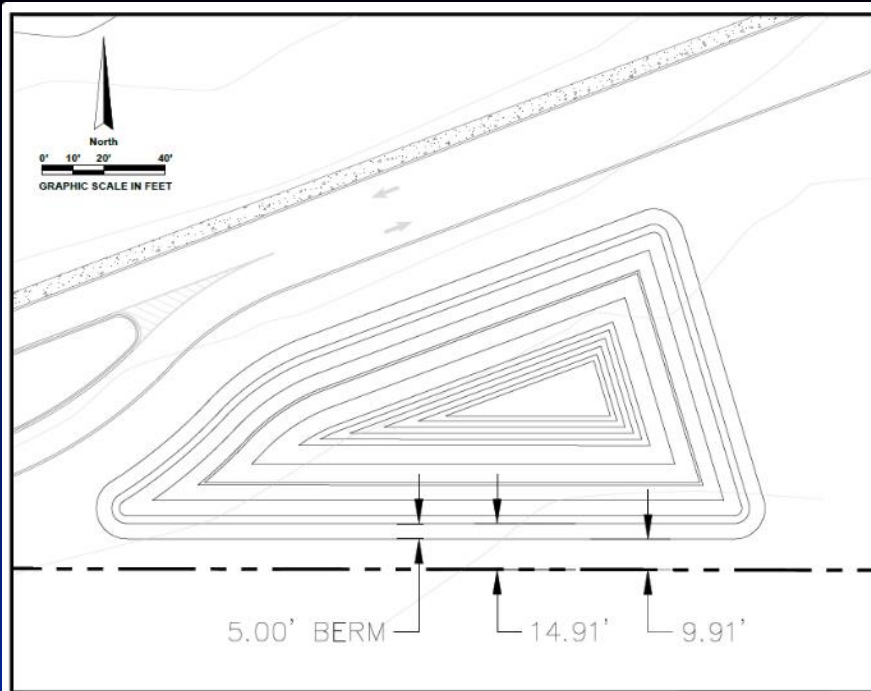


ORIGINAL LS LOCATION

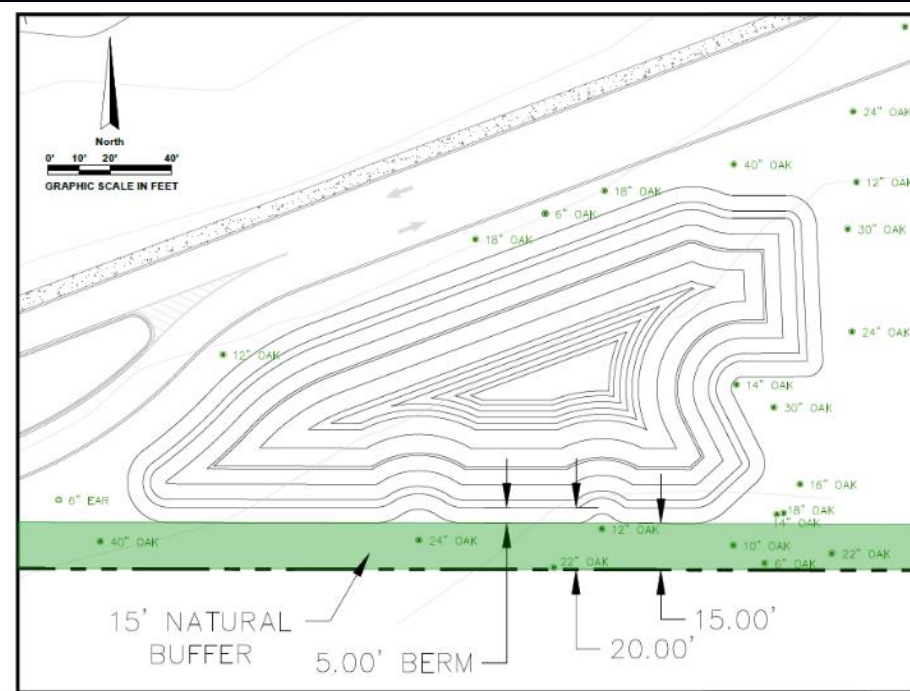


REVISED LS LOCATION

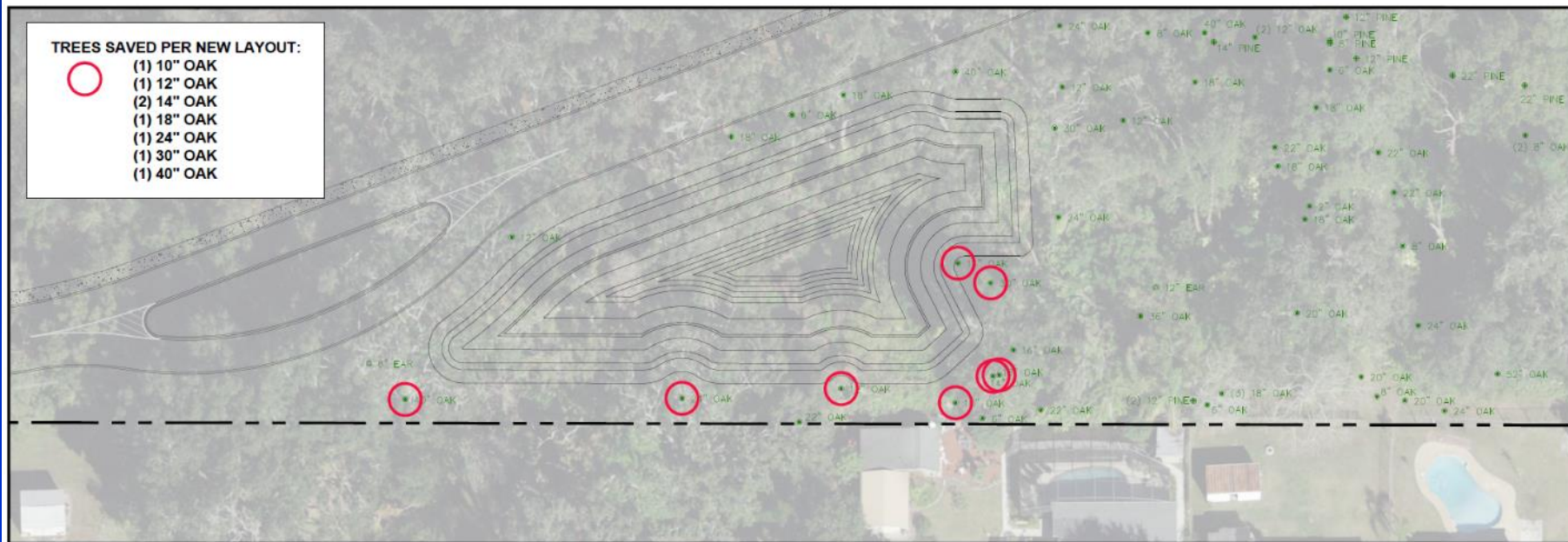




**ORIGINAL POND**



**REVISED POND**







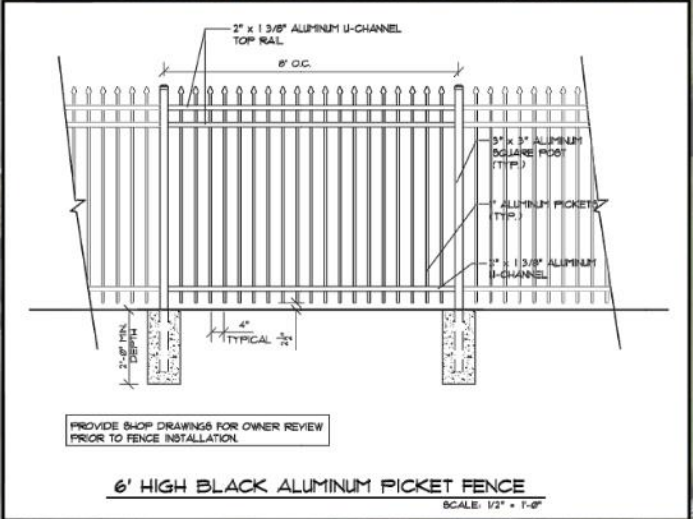
EXISTING BRICK WALL

ALUMINUM FENCE TO CONNECT TO EXISTING BRICK WALL

PROPOSED 6' HIGH BLACK ALUMINUM PICKET FENCE (SEE DETAIL)

ACCESS EASEMENT

ALUMINUM FENCE TO CONNECT TO EXISTING CHAIN LINK FENCE





## Staff Findings and Analysis

- Property was rezoned to R-3 in 1971.
- Currently vacant, heavily wooded
- Proposing a 102 unit multi-family development
  - 2 buildings, 43 ft. in height
  - 1-story clubhouse
  - 118 parking spaces
- One vehicular and pedestrian access point to the site from S. Orange Blossom Trail.
- 15 ft. bufferyard along the north and east property line.



# Staff Findings and Analysis

## ▪ Variance Requests for:

– 118 parking spaces in lieu of 178 spaces

- 50 year restricted land use agreement requiring the site be used as certified affordable housing
- Technical memo submitted indicating reduced parking demand for proposed use

– Building height of 43 ft. in lieu of a maximum 35 ft.

- Will allow for a hipped roof instead of a flat roof which is more in keeping with the single family residential in the area
- Will not increase the number of units or sq. ft. of building



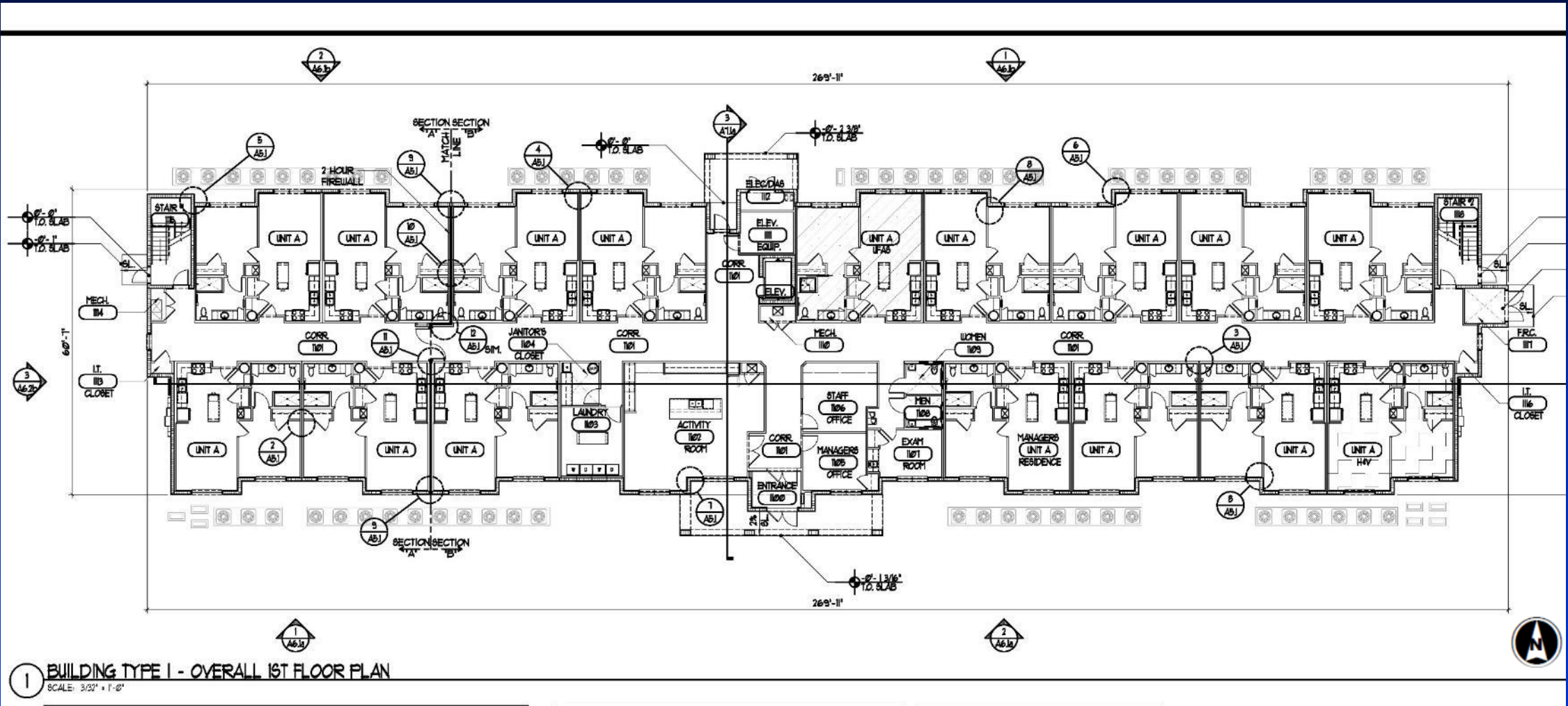


## Staff Findings and Analysis

- Staff recommended approval of the variances, as there are special conditions and circumstances, the need for the variances are not self-created, they are the minimum possible variances, and they meet the purpose and intent of the code.

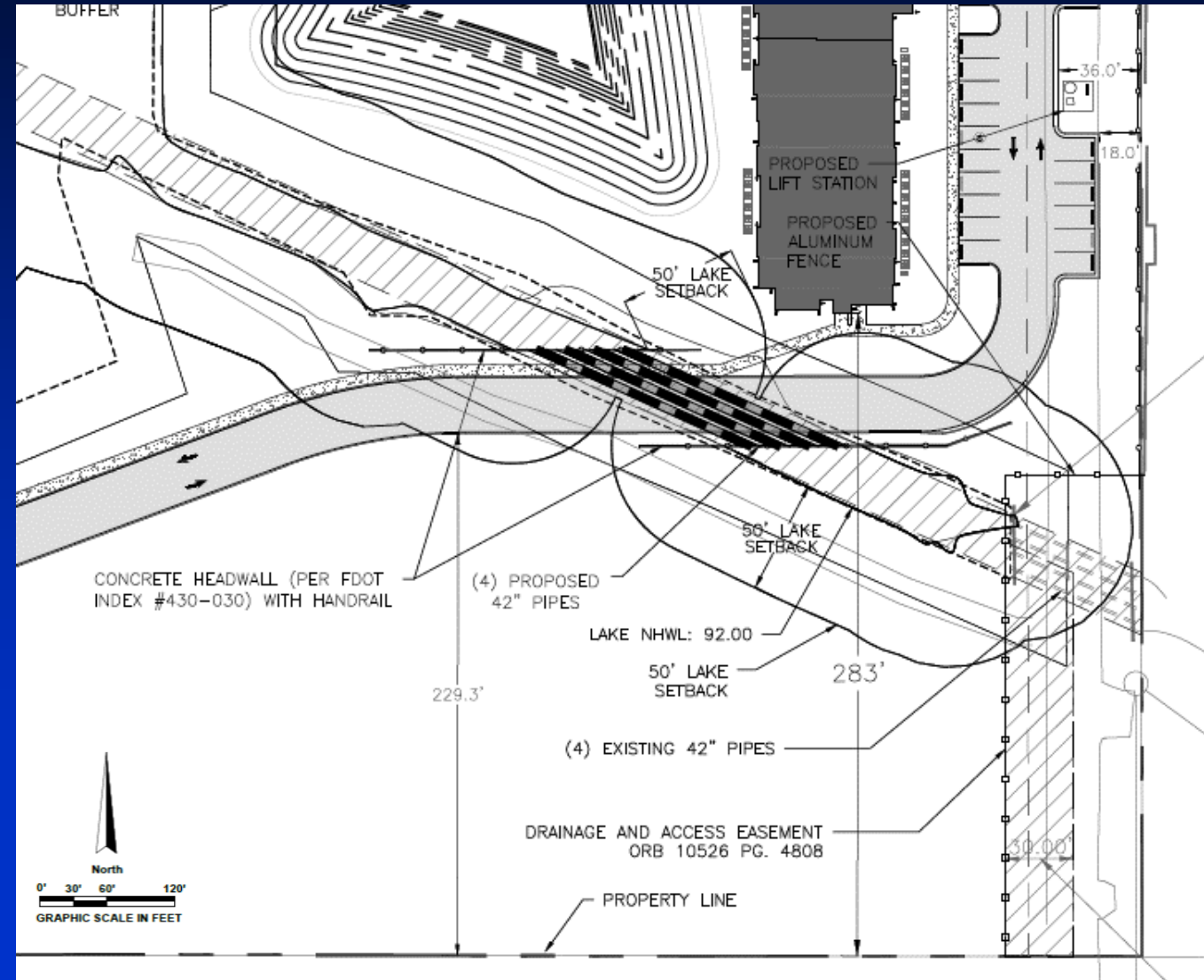
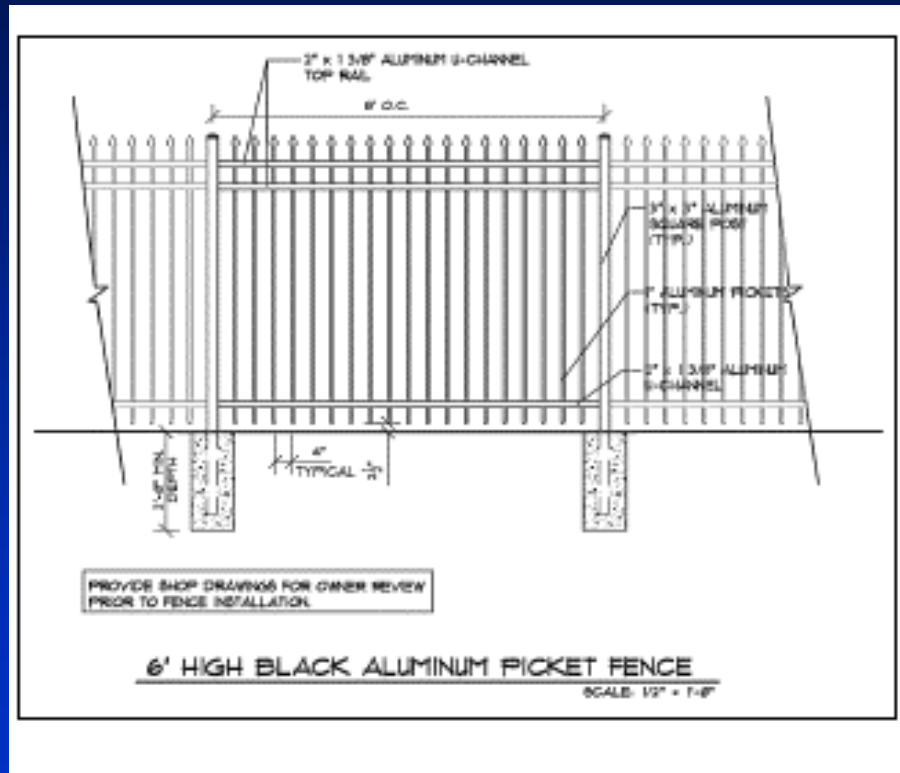


# Typical Floor Plans – Building 1 Example





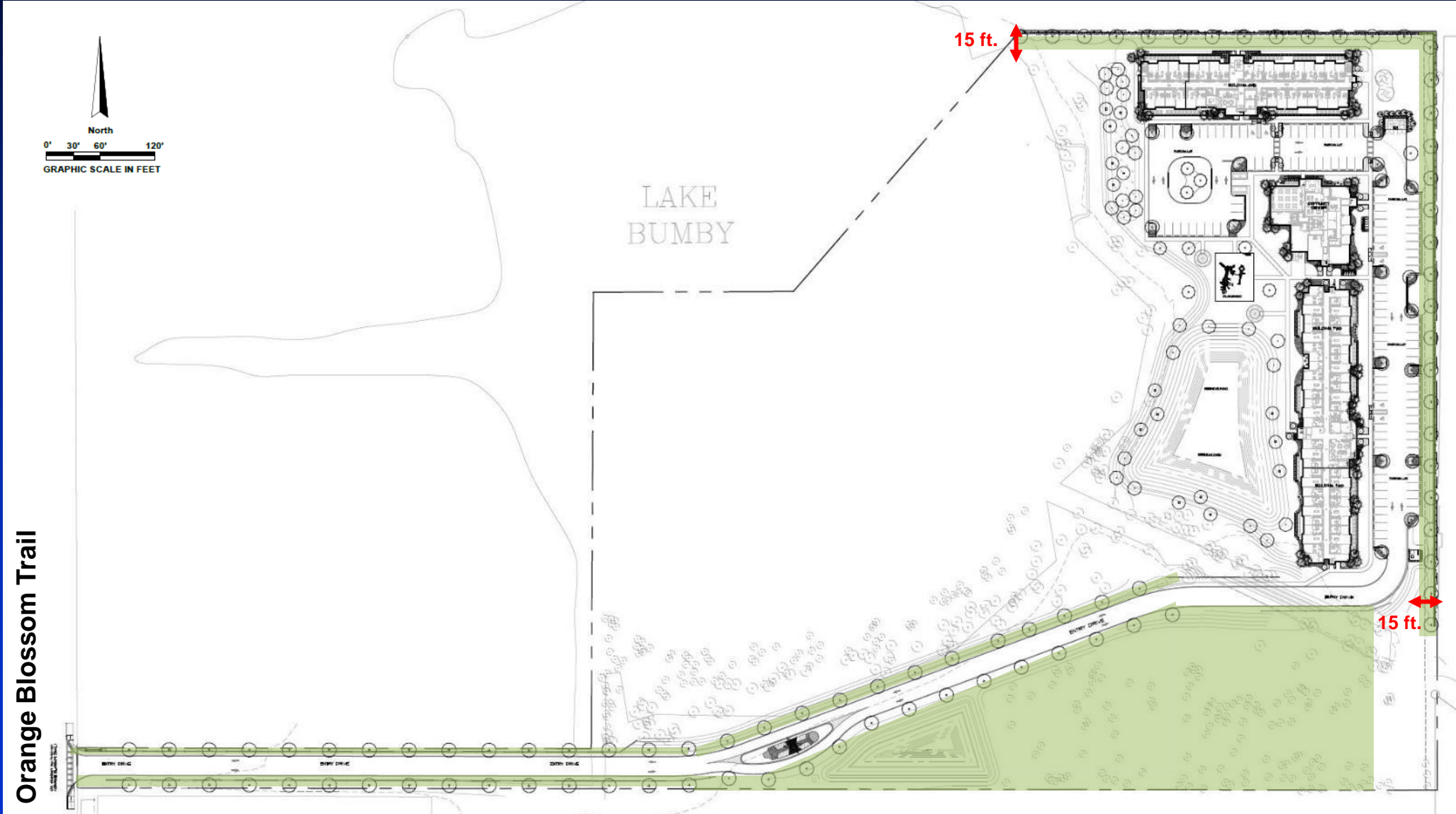
# Modified Site Plan





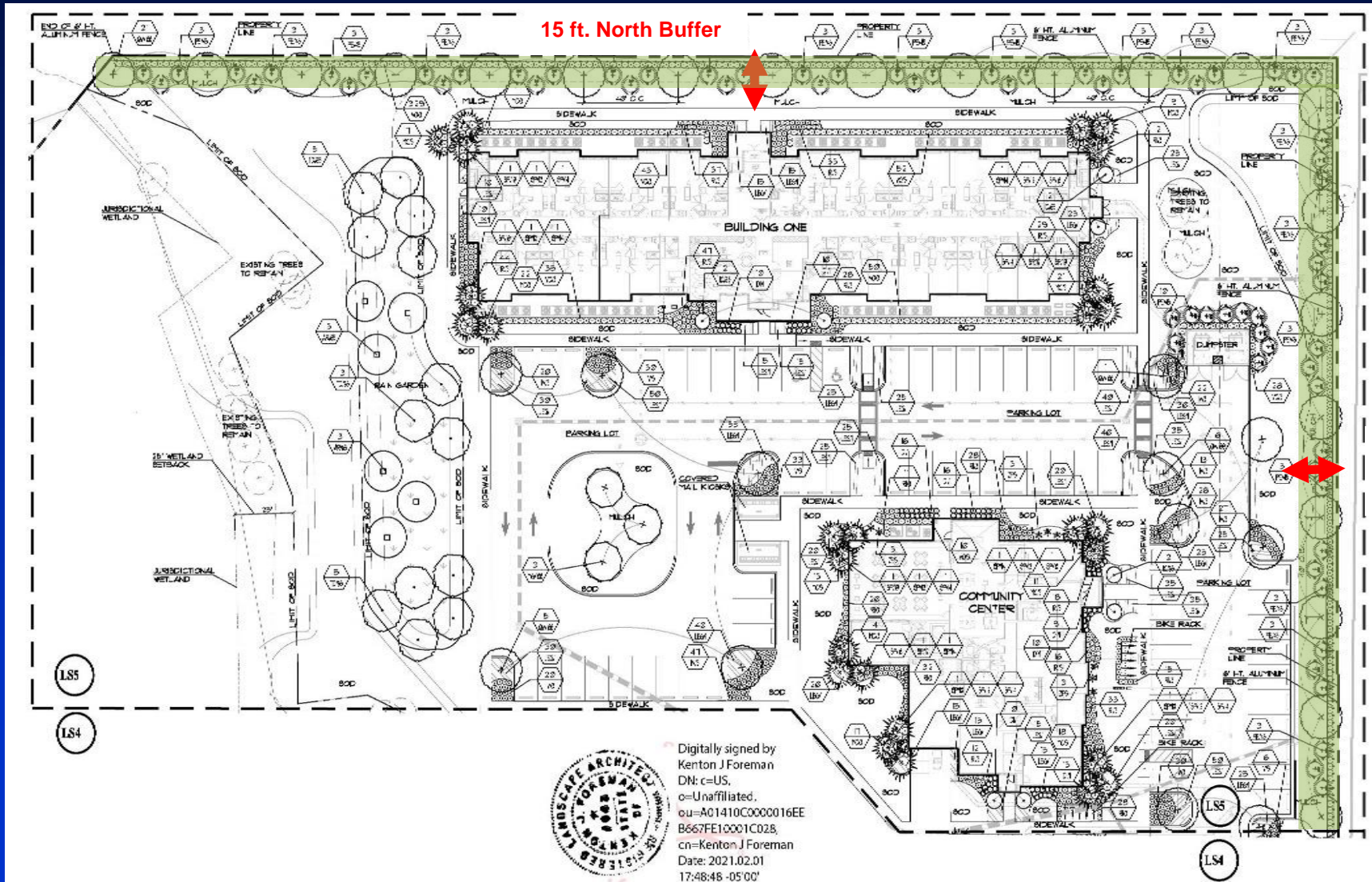


# Landscape Plan





# Landscape Plan - Northeast

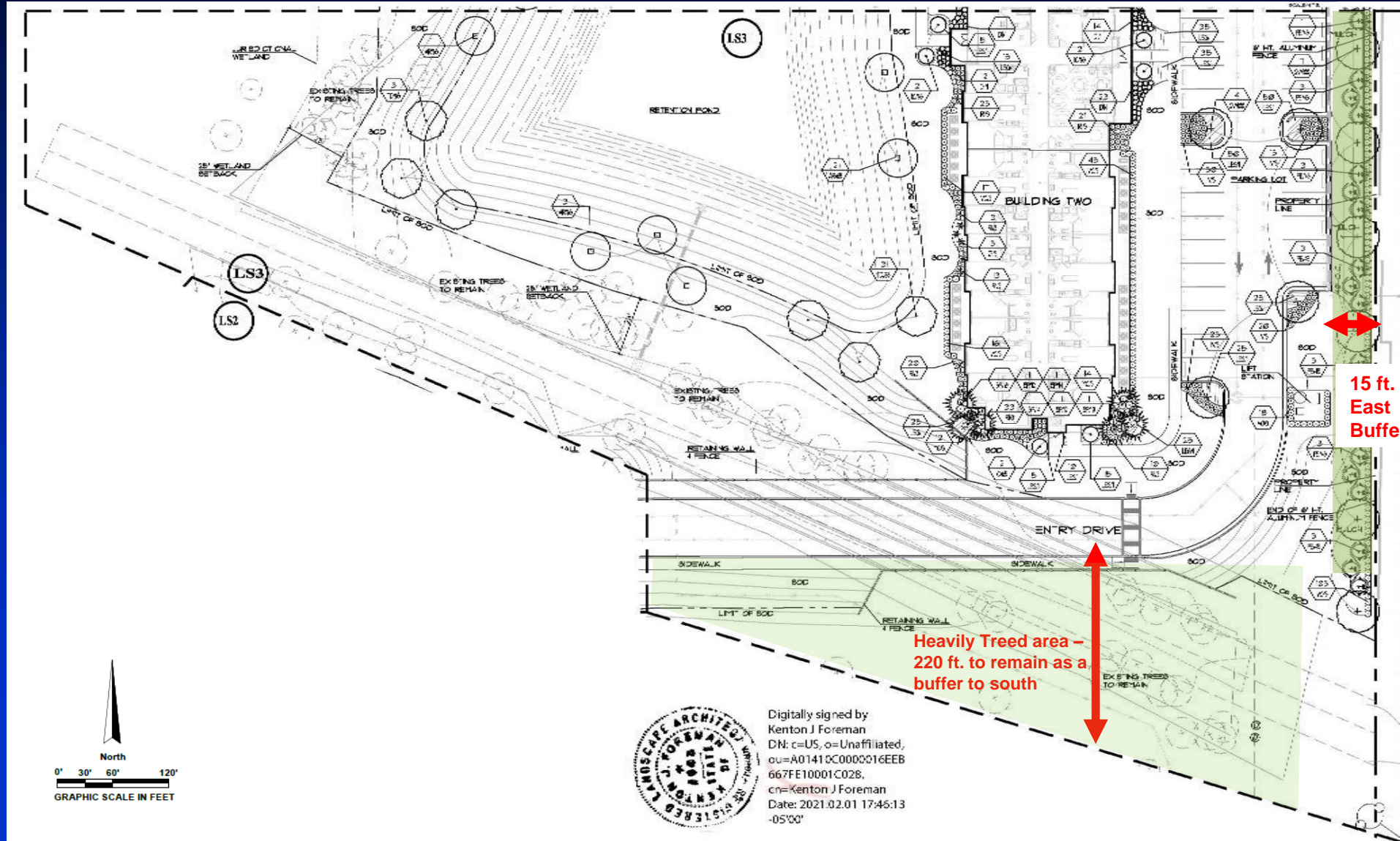


15 ft.  
East  
Buffer





# Landscape Plan - Southeast







# Typical Building Elevations



1 BUILDING TYPE I - FRONT ELEVATION (SECTION 'A')  
SCALE: 1/8" = 1'-0"



2 BUILDING TYPE I - FRONT ELEVATION (SECTION 'B')  
SCALE: 1/8" = 1'-0"



3 BUILDING TYPE I - RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

## GENERAL NOTES - ELEVATION

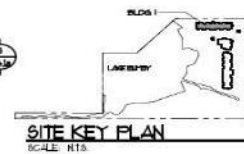
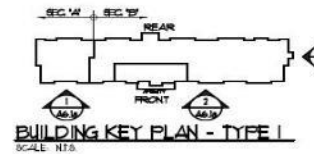
1. PAINT INTERIOR & EXTERIOR METAL FINISHES UNLESS PROVIDED WITH FACTORY FINISH. PAINT ALL ROOF VENT AND STACK PENETRATIONS TO MATCH ROOF.
2. PROVIDE CONT. VENTED SOFFIT AT ALL OVERHANGS.
3. PROVIDE SHOP DRAWINGS FOR ALUMINUM GUTTER AND DOWNSPOUT SPACING PER CODE REQUIREMENTS. PROVIDE SPLASH BLOCK AT BASE.
4. ALL DOORS AND WINDOWS TO MEET DESIGN PRESSURE'S SHOWN ON STRUCTURAL DRAWINGS.
5. PROVIDE CONTINUOUS VENTING FOR 1ST & 2ND FLOOR COLLINGS.
6. APPROVED NUMBER OR ADDRESSES SHALL BE PROVIDED FOR NEW BUILDINGS SO THAT THE NUMBER OR ADDRESS IS PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADSIDE FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR

- BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMERAL 9 OR ALPHABET LETTERS. NUMERAL 9 SHALL BE NOT LESS THAN THREE INCHES IN HEIGHT FOR RESIDENTIAL STRUCTURES, AND AT LEAST SIX INCHES IN HEIGHT FOR ALL OTHER BUILDING STRUCTURES. FPFC 3-11.
- COORDINATE LOCATION OF ELECTRICAL METERS WITH SITE ELECTRICAL. ALL BOARDS AND METERS TO BE PAINTED TO MATCH WALLS.
- HARDI PANEL TO BE INSTALLED IN A MANNER THAT NO BEAMS ARE EXPOSED.
- PROVIDE 3/4" CEPENTINUOS CORNER TRIM AT CORNERS OF ALL COLLING CLAD WITH CEPENTINUOS PANELS.
- RAILING TO BE ENGINEERED TO ATTACH TO WALLS OR AT VERTICAL FACES. RAILING SHALL NOT ATTACH THROUGH CONCRETE TOPPING OR HORIZONTAL WATERPROOFING MEMBRANES.

## REFERENCE KEYNOTES

DIVISION 07 - THERMAL AND MOISTURE PROTECTIVE	
0743.A	- MANUFACTURED STANDING SE METAL ROOF, 30" PANELS, 24"
07530.E	- 240° LBS CLASS A MILD STEEL SHINGLE ROOFING SHELF BEATERS W/ 50 YEAR WARRANTY
DIVISION 08 - OPENINGS	
00500.B	- FIBER CEMENT SIDING
01600.H	- FIBER CEMENT BOARD
01600.J	- FIBER CEMENT TRIM
DIVISION 09 - FINISHES	
00500.B	- FOAM & LUTER: FIBER REINFORCED POLYURETHANE 15 LB. FOAM, ENCAPSULATED 60 MIL. W/ MS COATINGS
0054.C	- SINGLE HUNG ALUM. WINDOW
DIVISION 09 - FINISHES	
01600.G	- FOAM BRACKET - FIBER REINFORCED POLYURETHANE 15 LB. FOAM, ENCAPSULATED 60 MIL. W/ MS COATINGS

REV. 16: REVISION ALL ROOF SLOPES FROM 5:12 TO 4:12

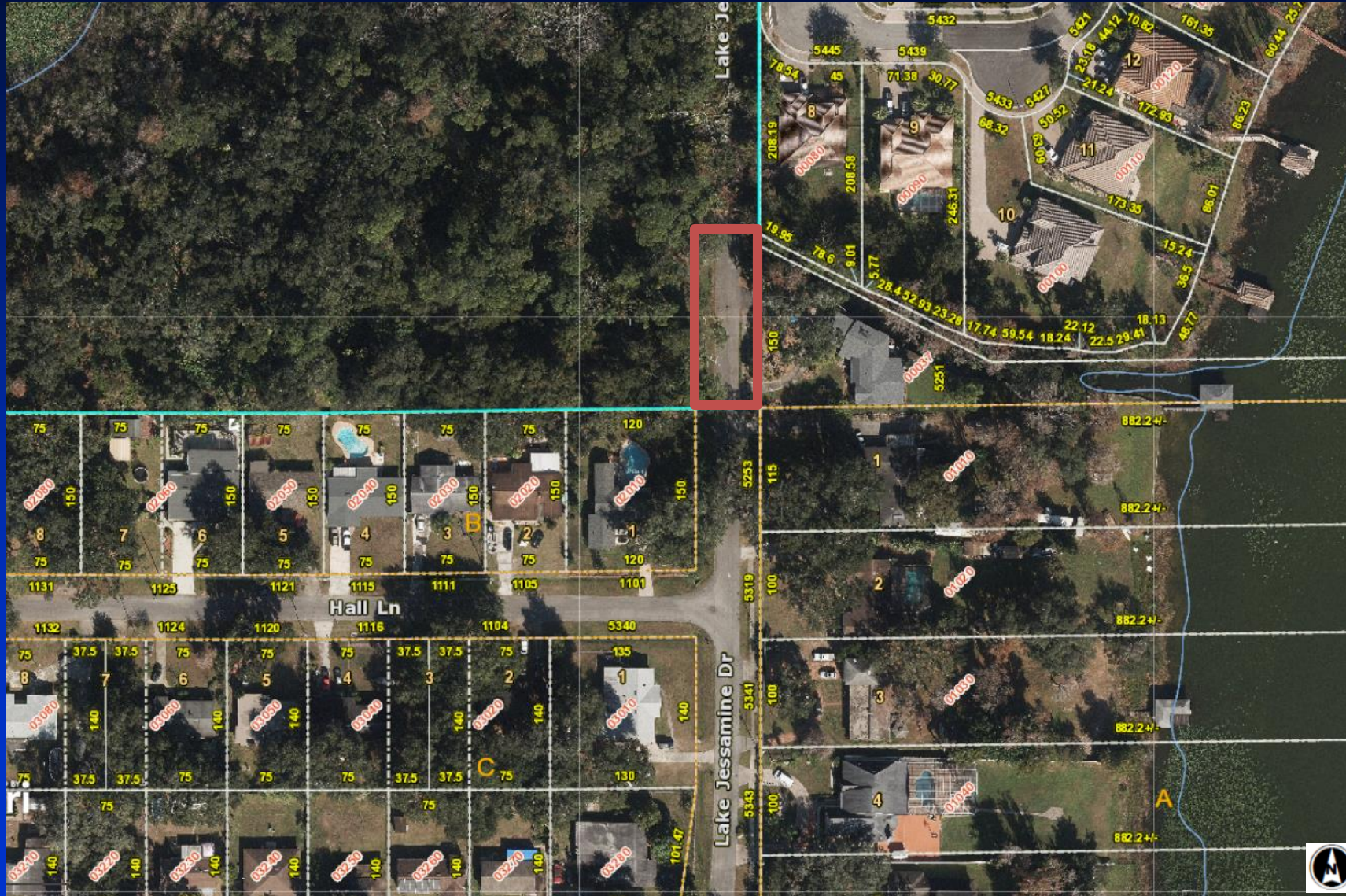


RESERVED FOR DIGITAL SIGNATURE





# Aerial – Southeast Portion of Site







# Site Photograph

Front from Orange Blossom Trail, facing east







# Site Photograph

S. Orange Blossom Trl., looking north from Americana Blvd.







# Site Photograph

SE corner of property at the end of Lake Jessamine Dr., facing north







# Site Photograph

Bus stop along east side Orange Blossom Trl., facing north

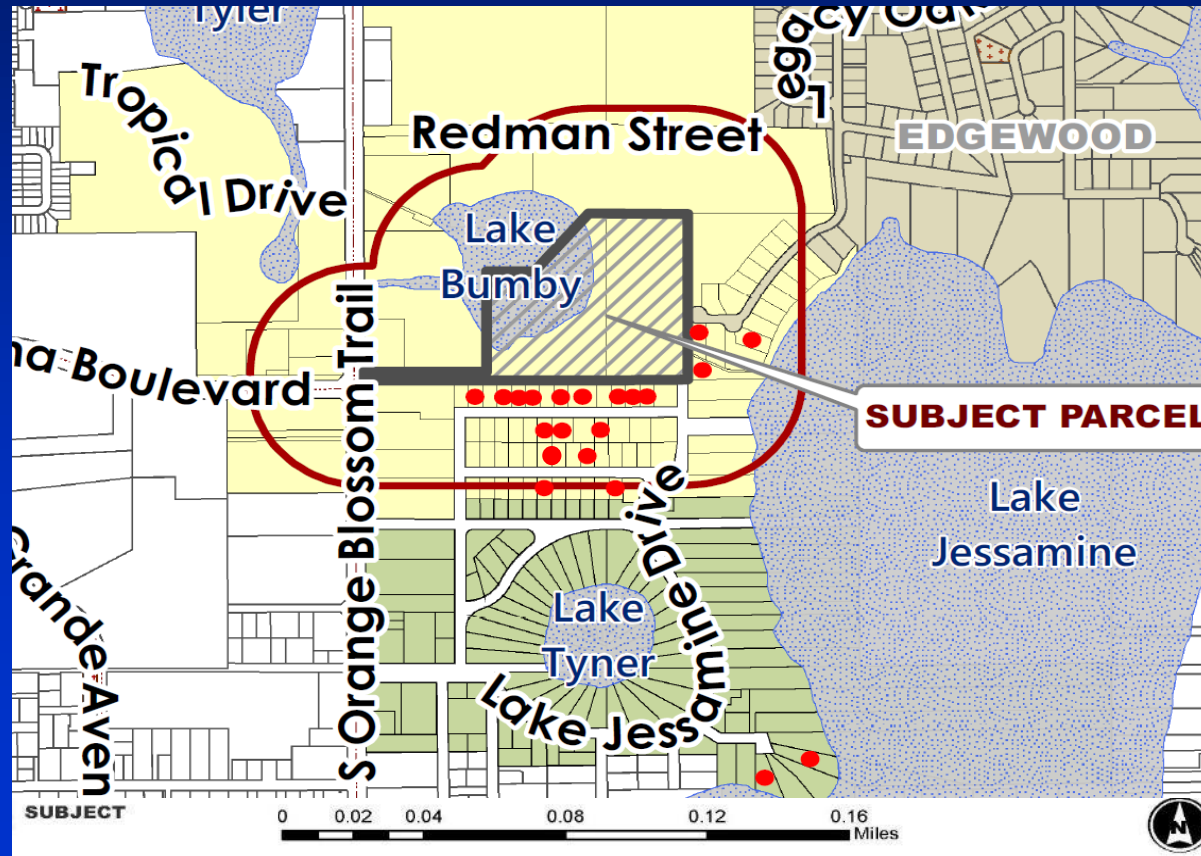






# Public Feedback

- Staff mailed a total of 252 notices to property owners in an expanded 600 ft. radius
  - Staff received no correspondence in favor of this request
  - Staff received 37 correspondences in opposition to this request, 21 mapped



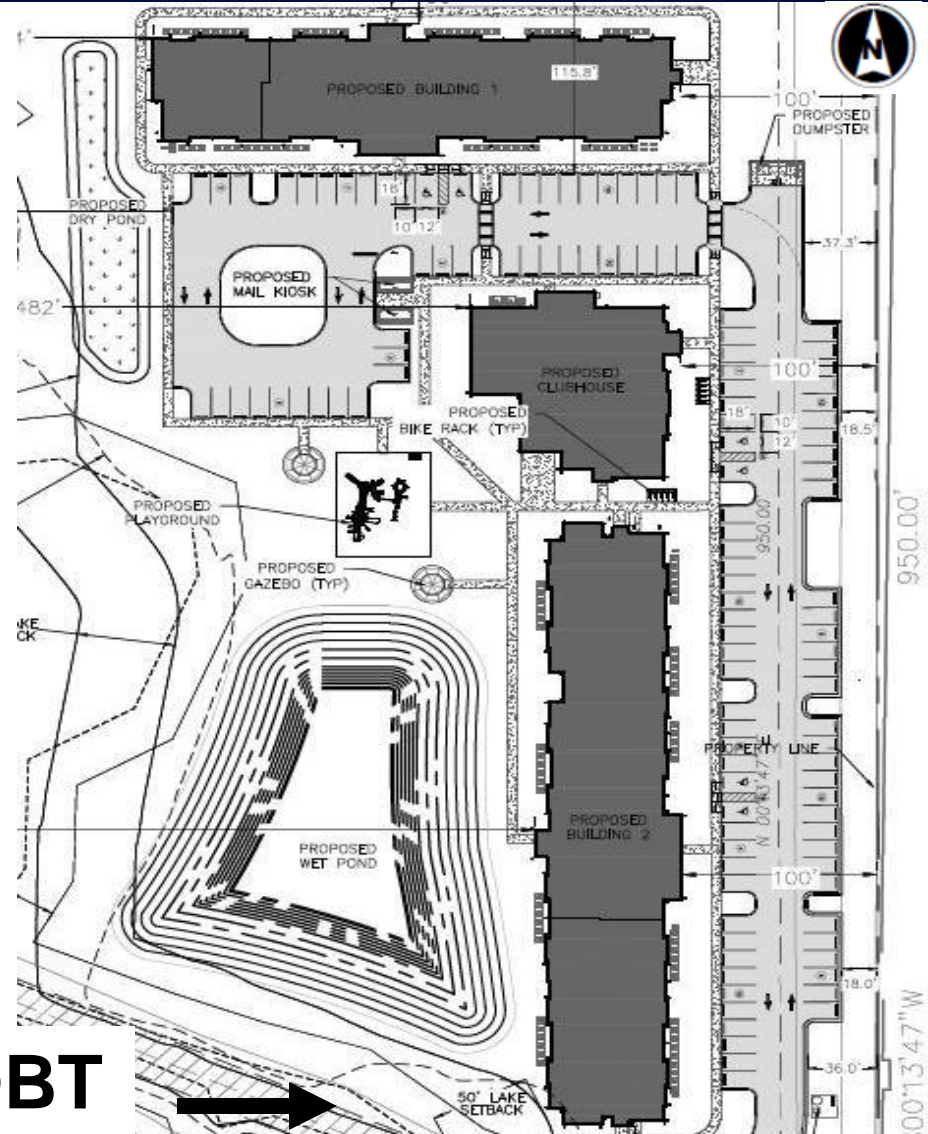


## Public Feedback

- **A virtual community meeting was held on Wednesday, April 14, 2021. The meeting was attended by the applicant and the owner, staff, Commissioner Uribe, her aide, and neighbors within the area.**
- **Issues raised included:**
  - **Proposed buffers to adjacent residential**
  - **Ensuring no access to the site from Lake Jessamine Drive**
  - **Environmental issues, including wildlife and wetlands**
  - **Height and parking issues pertaining to the variance requests**
  - **Location of lift station**



# Site Plan – Closer View



**Access from OBT**





IMPERVIOUS AREA: 546,852 S.F. (12.55 AC.) 60.33%  
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**BICYCLE PARKING**

2 SPACES PER 10 VEHICLE SPACES = 24 SPACES (MAX 8)

PROVIDED: 10 SPACES

TOTAL AREA TO BE DEVELOPED = 12.423 AC

\*\*EXCLUDES WETLAND/LAKE AREA\*\*

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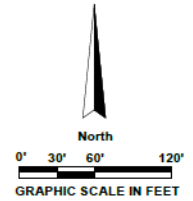
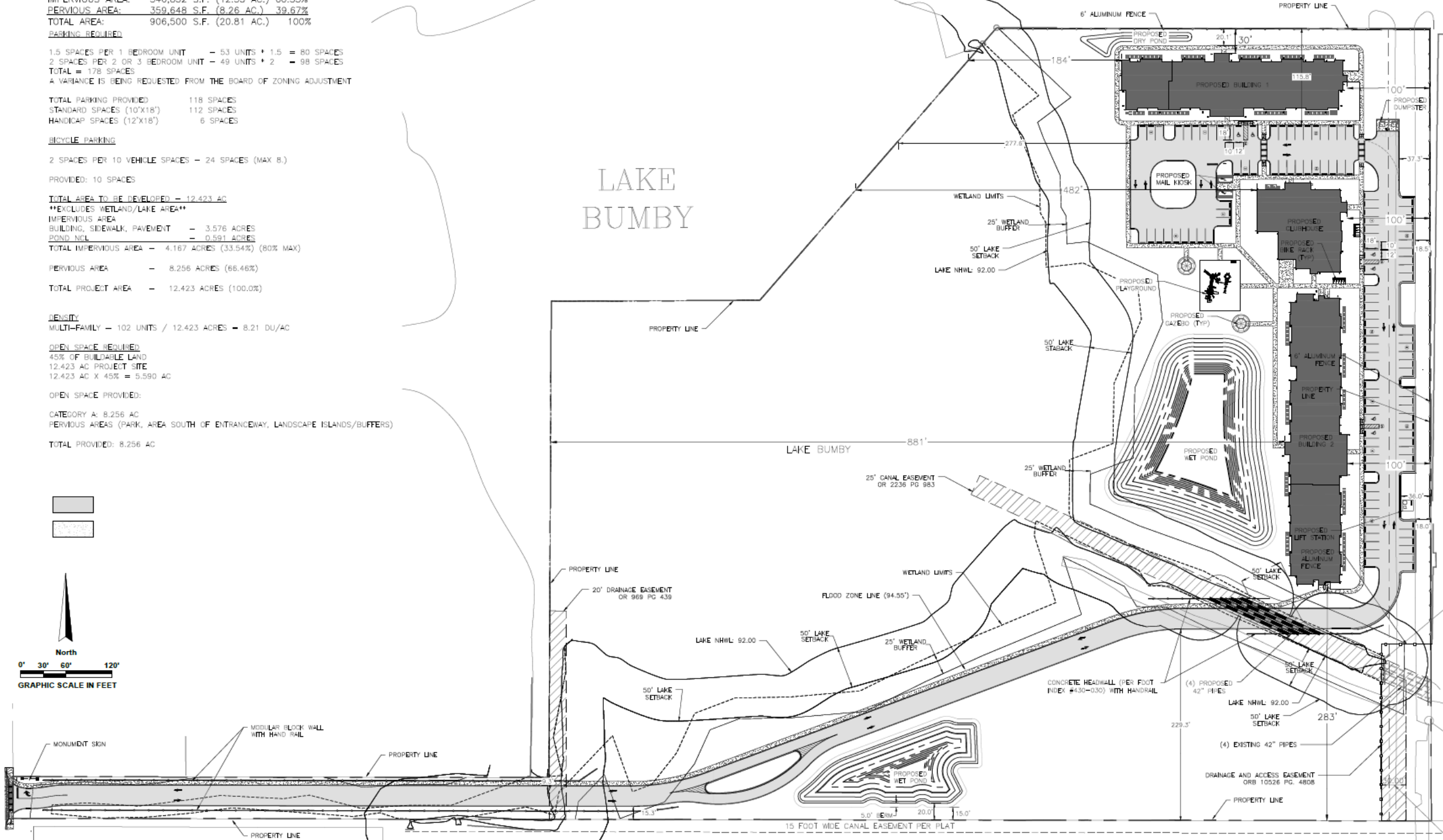
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TOTAL PROVIDED: 8.256 AC

# LAKE BUMBY



ORANGE BLOSSOM 11/24/14