

CASE # RZ-26-03-012

Commission District: #4

GENERAL INFORMATION

APPLICANT: Joshua Wilson

OWNER: Gold Coast Developers of Florida, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
R-1AAA Restricted (Residential Urban District)

LOCATION: 835 O’Berry Hoover Road; generally located north of State Route 408, south of Fangorn Road, west of North Alafaya Trail, and east of Rouse Road.

PARCEL ID NUMBER: 27-22-31-0000-00-001

SIZE / ACREAGE: 5.02 - gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-eight (188) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on March 04, 2026, and is summarized further in this report.

PROPOSED USE: Three (3) Detached Single-Family Homes (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA Restricted (Residential Urban District) zoning, subject to the following restrictions:

- 1) Development shall be limited to three (3) single-family detached dwelling units; and
- 2) Minimum lot size shall be one (1) acre minimum.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property, located at 835 Oberry Hoover Road, has a Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows up to four dwelling units per developable acre and a zoning designation of A-2 (Farmland Rural District). The

property is 5.02 acres and currently occupied by a mobile home. The A-2 zoning designation is inconsistent with the property's LDR FLUM designation because A-2 is only considered consistent with LDR when it is located within a Rural Residential Enclave, which it is not.

The immediate area is comprised of single-family homes and some vacant parcels as well as retail uses to the east with lot areas and widths of varying sizes. Directly across the street to the west of the subject property, lot widths range from 60 feet to about 105 feet and to the north most parcels have lot widths ranging from 100 feet to 200 feet. The average lot size long Oberry Hoover Rd is about 1.44 acres.

A-2 is the predominant residential zoning designation along Oberry Hoover Rd apart from a Restricted R-1AA property across the street from the subject property, an R-1AAA property at the intersection of Iroquois Trl and Oberry Hoover Rd to the north, and the Alafaya Trail PD to the east.

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-1AAA Restricted (Residential Urban District). The R-1AAA district has a minimum lot area requirement of 1/3 acre and a minimum lot width of 95 feet. Staff is proposing a restriction for 1 acre minimum lot size for consistency with the majority of lot sizes in the area. Additionally, a restriction to limit development to three homes is proposed.

Land Use Compatibility

The R-1AAA zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in the Airport Noise Zone.

Code Enforcement

No open cases.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1AAA zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.1 state that 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.

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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

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	Mobile Home
Adjacent Zoning	N: A-2 (Farmland Rural District)
	E: PD (Planned Development)

W: R-1A Restricted (Single-Family Dwelling District) and A-2
(Farmland Rural District)
S: A-2 (Farmland Rural District)
Adjacent Land Uses N: Single-Family Homes and Vacant
E: Retail
W: Single-Family Homes
S: Single-Family Homes and Vacant

R-1AAA Development Standards

Min. Lot Area: 14,520 sq. ft. (1/3 acre)
Min. Lot Width: 95 ft.
Max. Height: 35 ft.
Min. Living Area: 1,500 sq. ft.
Building Setbacks:
Front: 30 ft.
Rear: 35 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.*

Intent, Purpose, and Uses

The intent and purpose of the R-1AAA residential urban district is to provide for single-family homes of a low density within the existing or planned urban service area.

SPECIAL INFORMATION

Staff Comments

Environmental

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. There is an increased likeliness for presence of gopher tortoise burrows. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations regarding gopher tortoises and all other listed species found on site. Forward any related permits to the Orange County Environmental Protection Division. See the

Orange County Gopher Tortoise Burrowing Suitability Map at <https://experience.arcgis.com/experience/c687e2915f9e4ba2987ab51afd0bcfbd>

Transportation / Access

The proposed development program of constructing three single-family homes has a de minimis impact on the roadways. For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) hour trips on the roadways within the area of influence. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required. Please contact the Concurrency Management Office at concurrency@ocfl.net or 407-836-6110 for more information.

Prior to any building permit approval, an approved DeMinimis Application through the Concurrency Management office may be required. Please contact the Concurrency Management Office at concurrency@ocfl.net or 407-836-6110 for more information. Visit the webpage below regarding concurrency information & to obtain a DeMinimis application:

<http://www.orangecountyfl.net/PlanningDevelopment/ConcurrencyManagement.aspx>

Schools

Three homes is de minimis.

Parks and Recreation

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

Community Meeting Summary

A community meeting was held on Wednesday, March 4, 2026, at Discovery Middle School with thirteen (13) community members in attendance. Most of the discussion revolved around the concern of losing the rural character of the community by changing the zoning from an agricultural designation to a residential zoning designation. Most of the residents felt comfortable with the owner's request to split the lot and build three houses but they did not want a rezoning to occur along with it. Staff explained that a lot split cannot occur without a zoning change due to the current inconsistency between the Low Density Residential (LDR) Future Land Use Map (FLUM) designation and the A-2 (Farmland Rural District) zoning designation. Residents shared fears that this rezoning might hurt prospects of creating a Rural Residential Enclave.

Other concerns were drainage, flooding, and chemical usage.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – April 16, 2026

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA Restricted (Residential Urban District) zoning, subject to the following restrictions:

- 1) Development shall be limited to three (3) single-family detached dwelling units; and
- 2) Minimum lot size shall be one (1) acre.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the Planning and Zoning Commission with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA Restricted (Residential Urban District) zoning, subject to two restrictions limiting the number of houses that can be built and the minimum lot size. The applicant and property owner were present for the hearing and disagreed with staff's recommendation to put restrictions on the R-1AAA zoning. They want approval for an R-1AAA zoning with no restrictions.

Staff indicated that one hundred and eighty-eight (188) notices were sent to property owners within a buffer of one thousand (1,000) feet of the subject property located at 835 O'Berry Hoover Road. A community meeting was held on Wednesday, March 4, 2026, at Discovery Middle School with thirteen (13) members of the community in attendance. Since that time, staff received fourteen (14) additional comments in opposition to the request and one (1) in support. Two members of the public spoke during the public comment portion of the hearing, one in support of the request and restrictions and one in opposition to the request.

Staff clarified to the Commission that approving the rezoning would not preclude future small area studies or the creation of a Rural Residential Enclave. They explained the rezoning is necessary for the applicant to obtain development permits because the Future Land Use and current zoning are inconsistent; A-2 zoning is only compatible with Low Density Residential when located within a Rural Residential Enclave. Staff also confirmed to Commissioner Wiggins that the existing agricultural zoning allows one house per lot.

Commissioner Fernandez asked whether the case could go before the BZA to avoid rezoning, but staff explained that the BZA handles code-related issues, whereas this request involves the Comprehensive Plan. Staff emphasized that the Board of County Commissioners cannot change the Future Land Use designation or issue permits on inconsistent property as a variance; doing so would require readvertising and a Comprehensive Plan amendment, as it is governed by policy.

The applicant expressed opposition to staff's recommended restrictions and requested that they not be applied. Staff responded that the proposed one-acre minimum lot size is not in conflict with the applicant's request to build three homes. Chairwoman Evans noted that the Low Density Residential designation could allow up to twenty homes on the site and stated that the restrictions are both appropriate for the area and consistent with the applicant's proposal. The applicant

reiterated that the restrictions would negatively affect resale value. Commissioner Fernandez then followed that statement with clarification that the applicant is seeking to entitle the property for the potential to build more than three dwelling units. The applicant stated they want to build three homes but want future buyers to not have a restriction on how many homes they can build.

The representative from District 4 was not present at the hearing. Commissioner Wiggins made a motion seconded by Commissioner Fernandez to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAA (Residential Urban District) zoning, subject to two restrictions. The motion was carried on a 5-2 vote.

Motion / Second

George Wiggins / Eddie Fernandez

Voting in Favor

*George Wiggins, Eddie Fernandez, David Boers,
Jorge L Berrios Trinidad, and Giancarlo Rodriguez*

Voting in Opposition

Camille Evans and Michael Arrington

Absent

Marjorie Holt and Eric Gray


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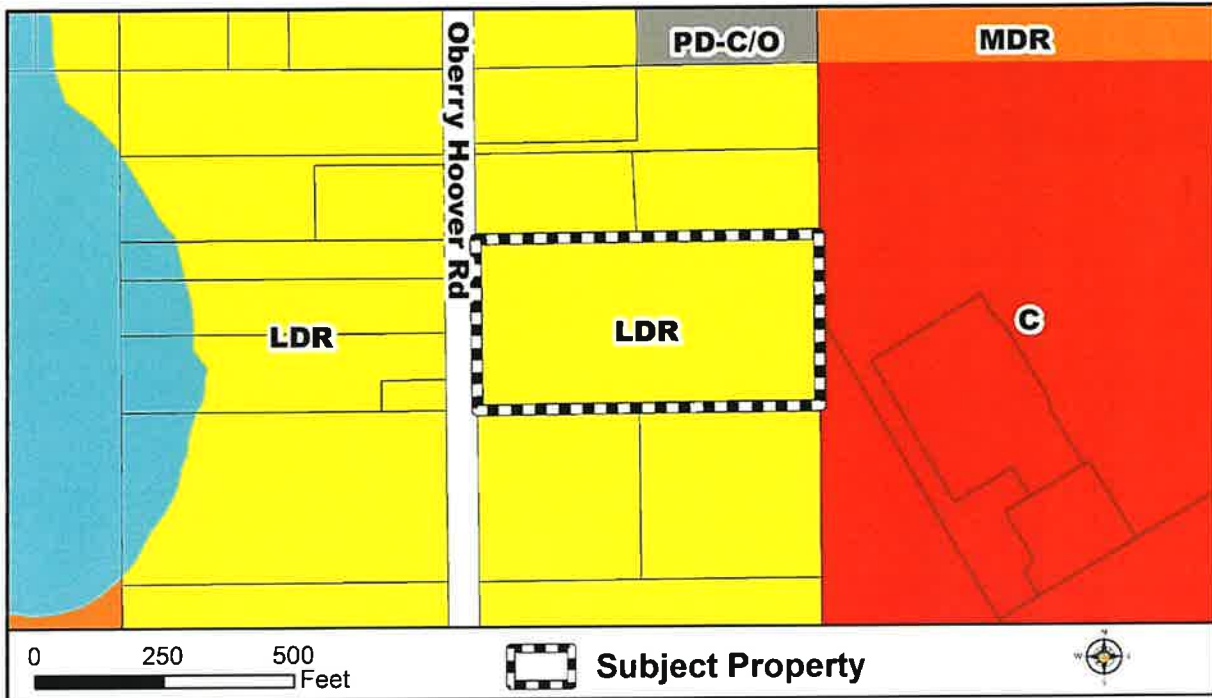
 Subject Property



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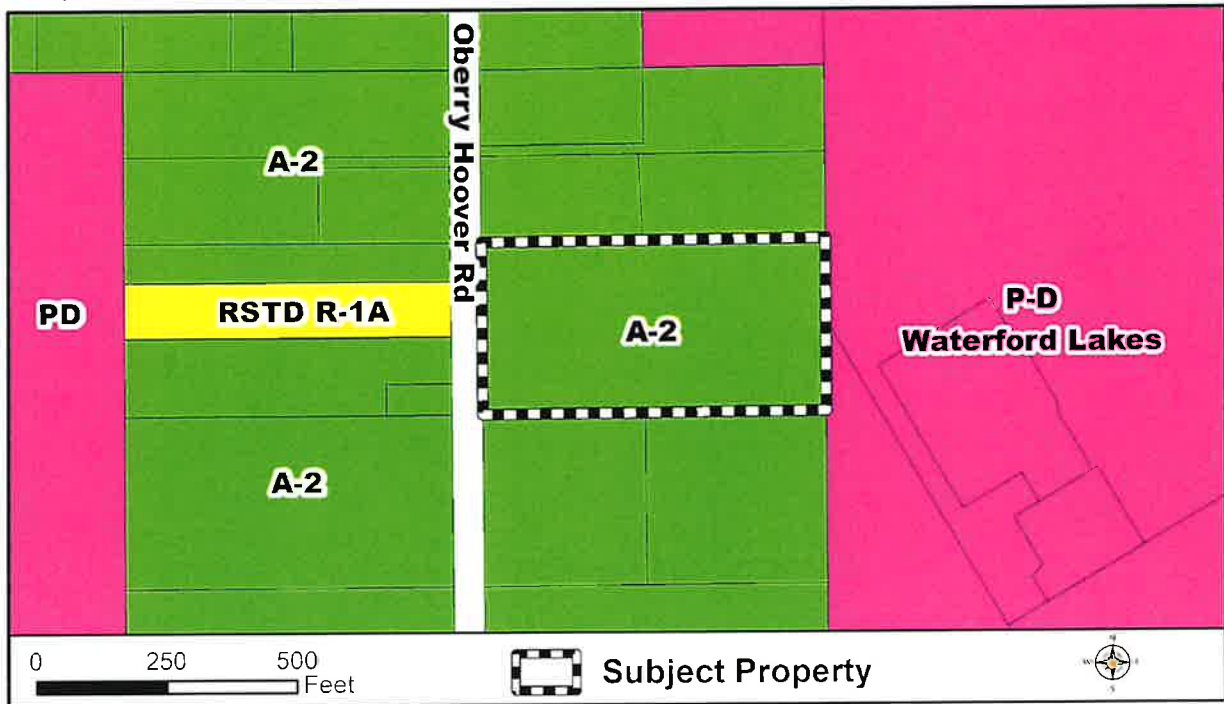


FUTURE LAND USE – CURRENT
Low-Density Residential (LDR)



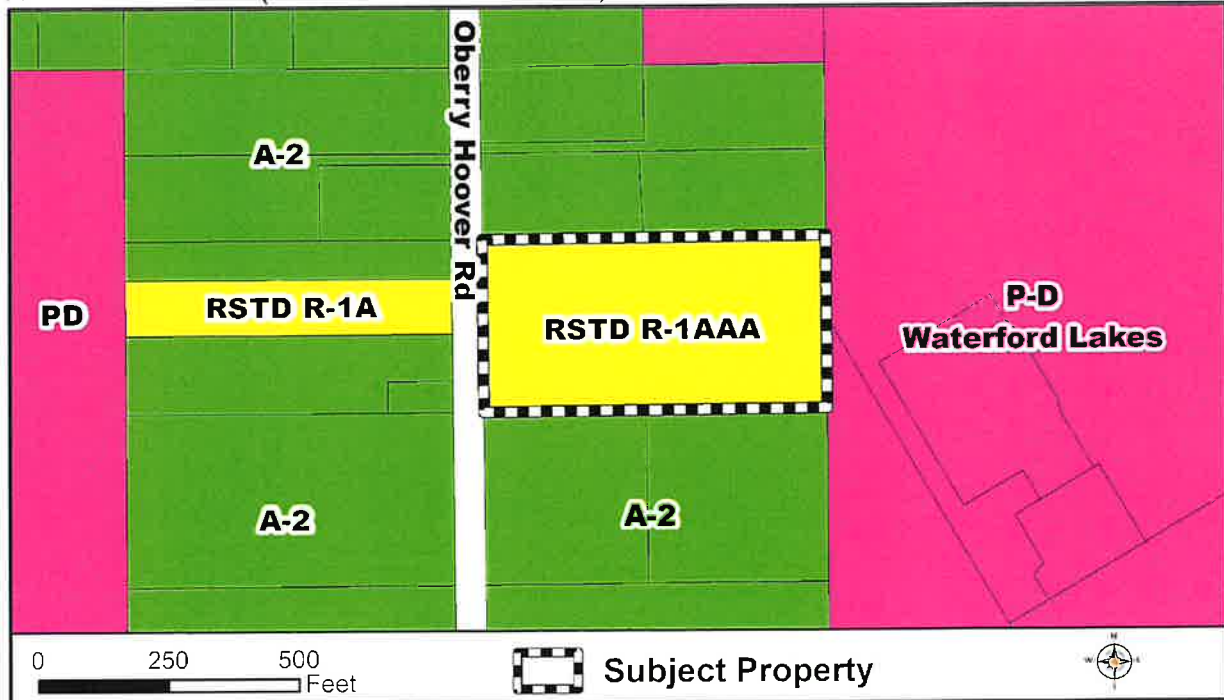
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

R-1AAA Restricted (Residential Urban District)



NOTIFICATION MAP

