



Interoffice Memorandum

DATE: July 14, 2020

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

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

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

SUBJECT: July 28, 2020 – Public Hearing
Planning and Zoning Commission Board-Called Rezoning
Applicant: Kathy Hattaway, Poulos & Bennett, LLC
Case # RZ-19-11-055 / District 5

This is a Board-called rezoning hearing in which the applicant is seeking to rezone the remaining undeveloped portion of the Lake Pickett Cluster Plan, totaling 253 net developable acres, from R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District). The subject property is generally located on the west side of TV Tower Road, north of Lake Pickett Road, and southwest of North Fort Christmas Road. Through this request, the applicant is seeking to amend a previous restriction for a minimum lot size of one-half acre to allow non-lakefront lots to be a minimum one-third acre within Phases 2, 3, 5 & 6.

There are no new entitlements associated with this request, as this portion of the Lake Pickett Cluster Plan includes entitlements for 253 dwelling units based on the maximum density of one dwelling unit per acre, consistent with the underlying Rural Settlement 1/1 Future Land Use Map designation. If approved, this amendment would allow design flexibility internal to the site, and staff anticipates that a substantial change to the Preliminary Subdivision Plan (PSP) would come forward to the Board for consideration at a future date. That PSP is currently approved for 235 dwelling units.

On February 20, 2020, the Planning and Zoning Commission recommended approval of the request, subject to restrictions. This case was originally advertised for the April 21, 2020 Board meeting but that hearing was cancelled due to COVID-19.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the requested R-CE-C (Country Estate Cluster District) zoning, subject to the PZC Recommendations in the staff report. District 5

JWW/EPR/nsw
Attachment

CASE # RZ-19-11-055

Commission District: #5

GENERAL INFORMATION

APPLICANT	Kathy Hattaway, Poulos & Bennett, LLC
OWNERS	Evans Groves, Inc., Lake Pickett Properties, Inc., Pulte Home Company, Inc., and Benjamin F. Wheeler, III
HEARING TYPE	Conventional Rezoning – Board Called
REQUEST	R-CE-C (Country Estate Cluster District) <i>to</i> R-CE-C (Country Estate Cluster District)
LOCATION	Generally located on the west side of TV Tower Road, north of Lake Pickett Road, and southwest of North Fort Christmas Road
PARCEL ID NUMBERS	03-22-32-0000-00-020*, 03-22-32-0000-00-002* 03-22-32-0000-00-006*, 03-22-32-0000-00-017* 03-22-32-0000-00-021*, 03-22-32-0000-00-010* 03-22-32-0000-00-004*, 03-22-32-0000-00-012* 03-22-32-0000-00-018*, 10-22-32-0000-00-017 03-22-32-7898-00-010, 03-22-32-7898-00-020 03-22-32-7898-00-030, 03-22-32-7898-00-040 03-22-32-7898-00-050, 03-22-32-7898-00-060 03-22-32-7898-00-070, 03-22-32-7898-00-080 03-22-32-7898-00-090, 03-22-32-7898-00-100 03-22-32-7898-00-110, 03-22-32-7898-00-120 03-22-32-7898-00-130, 03-22-32-7898-00-140 03-22-32-7898-00-150, 03-22-32-7898-00-160 03-22-32-7898-00-170, 03-22-32-7898-00-180 03-22-32-7898-00-190, 03-22-32-7898-00-200 03-22-32-7898-00-210, 03-22-32-7898-00-220 03-22-32-7898-00-230, 03-22-32-7898-00-240 03-22-32-7898-00-250, 03-22-32-7898-00-260 03-22-32-7898-00-270, 03-22-32-7898-00-280 03-22-32-7898-00-290, 03-22-32-7898-00-300 03-22-32-7898-00-310, 03-22-32-7898-00-320 03-22-32-7898-00-330, 03-22-32-7898-00-340 03-22-32-7898-00-350, 03-22-32-7898-00-360 03-22-32-7898-00-370, 03-22-32-7898-00-380 03-22-32-7898-00-390, 03-22-32-7898-00-400 03-22-32-7898-00-410, 03-22-32-7898-12-001 03-22-32-7898-12-002, 03-22-32-7898-12-003 03-22-32-7898-18-001, 03-22-32-7898-18-004 03-22-32-7898-19-001, 03-22-32-7898-19-002

03-22-32-7898-19-003, 03-22-32-7898-03-001
03-22-32-0000-00-016, 03-22-32-0000-00-019
(*Parcels included within Phases 2, 3, 5, and 6)

TRACT SIZE	292.79 gross acres (overall rezoning) 253.26 net developable acres (overall rezoning) 278.55 gross acres (parcels within Phases 2, 3, 5, and 6)
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred ninety-two (492) notices were mailed to those property owners in the surrounding area. A community meeting was held on December 9, 2019 at Columbia Elementary School and is summarized further in this report.
PROPOSED USE	To amend the Lake Pickett Cluster Plan to allow non-lakefront lot size to be a minimum one-third acre within Phases 2, 3, 5, and 6.

STAFF RECOMMENDATION

Development Review Committee – (January 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-CE-C (Country Estate Cluster District) zoning, subject to the following restrictions:

- 1) Development shall conform to the Lake Pickett Cluster Plan dated "Received December 2, 2019"
- 2) Excluding natural waterbodies, the minimum residential lot size shall be 21,780 square feet (1/2 acre), or 43,560 square feet (1 acre) when adjacent to Lake Pickett in Phases 1 and 4;
- 3) Excluding natural waterbodies, the minimum residential lot size shall be 14,520 square feet (1/3 acre), or 43,560 square feet (1 acre) when adjacent to Lake Pickett in Phases 2, 3, 5, and 6;
- 4) Residential development shall be limited to a maximum of 253 single family lots; and
- 5) The location of adjacent telecommunication towers shall be addressed at Preliminary Subdivision Plan (PSP) review.
- 6) The developer shall obtain water service from Orange County.

SUBJECT PROPERTY ANALYSIS

Overview

The Lake Pickett Cluster Plan was originally approved in 1991 for 325 single-family dwelling units, which was consistent with the R-CE-C (Country Estate Cluster District) development standards at the time. The 1991 development standards required a maximum density of 0.85 unit per developable acre. In 1997, the R-CE-C (Country Estate Cluster District) development standards were amended to allow a maximum density of one (1) unit per developable acre through Ordinance #97-03. In 2014, the undeveloped portions of the Lake Pickett Cluster Plan were rezoned from R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District) to utilize the additional density permitted by Ordinance #97-03. This resulted in an increase from 325 single-family units to 383 single-family dwelling units, a net increase of 58 units.

Through this request, the applicant is requesting to rezone the remaining undeveloped portion of the Lake Pickett Cluster Plan, totaling 253 net developable acres, from R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District) to amend the previous restrictions to allow non-lakefront lot size to be a minimum one-third acre within Phases 2, 3, 5 & 6.

Land Use Compatibility

The R-CE-C (Country Estate Cluster District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties

Site Analysis

	Yes	No	Information
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject properties are located within the Lake Pickett Rural Settlement.
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Rural Settlement 1/1 (RS 1/1). The proposed R-CE-C (Country Estate Cluster District) zoning is consistent with the Rural Settlement 1/1 FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

OBJ FLU6.2 states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the

CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

FLU6.2.1 states that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement boundaries. In addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

FLU6.2.5 states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

FLU6.2.6 The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C).

Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

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

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. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

FLU8.2.1 states that land use changes shall be required to be compatible with the 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.

GOAL OS1 It is a goal of Orange County to protect and preserve valuable open space resources.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-CE-C (Country Estate Cluster District) (2013) E: A-2 (Farmland Rural District) (1957) W: R-CE-C (Country Estate Cluster District) (1981) S: A-2 (Farmland Rural District) (1957) PD (Planned Development District) (Heartwood PD) (2016)
Adjacent Land Uses	N: Single-Family Residence / Undeveloped Land E: Single-Family Residences / Undeveloped Land / Communications Tower W: Single-Family Residences / Lake Pickett S: Single-Family Residences / Undeveloped Land

R-CE-C (Country Estate Cluster District) Development Standards

Min. Lot Area:	1/3 acre (14,520 sq. ft.)* (interior lots only)
Min. Lot Width:	100 ft.
Max. Height:	2-story / 35 ft.
Min. Living Area:	
Max. Lot Coverage:	1,500 sq. ft. / 2,000 sq. ft. (as proposed)
60%	

*If central water service is provided.

Building Setbacks:

Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.
Side Street:	15 ft.

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

Intent, Purpose, and Uses

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated October 16, 2019, there is one failing roadway segment within the project area. Chuluota Road from Lake Pickett Road to the Seminole County Line. A traffic study will be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Conservation Area Determination CAD-15-07-090 and Impact Permit CAI-16-10-043 modified by CAI-18-12-060 were completed for Lake Pickett Cluster Parcels 1, 2 & 3. This request shall comply with all related permit conditions of approval. The EPD comments and conditions approved with the previous rezoning and PSP reviews also apply (RZ-14-12-031, PSP-16-08-289, CDR-18-02-062).

This request proposes to allow internal non-lakefront lots sizes to be one-third acre in Parcels 1, 2 & 3 - Phases 2, 3, 5 & 6 only. The regulations in Orange County Code Chapter 37 - Water and Wastewater, Article XVII - Individual On-Site Sewage Disposal, Section 37-540 - Design and Permit Standards, also apply to lots adjacent to the wetlands and surface waters on site other than Lake Pickett, including but not limited to:

- c) OSDS and drainfield expansion areas shall be located at least one hundred fifty (150) feet from the normal high water elevation (N.H.W.E.) of surface water bodies and canals connected to surface water bodies.
- d) OSDS shall be located no less than seventy-five (75) feet from:
 1. The design high water level of normally wet open drainage systems and stormwater retention areas; and
 2. Jurisdictional wetland areas; and
 3. Underdrains.

This requirement does not apply to swales.

Community Meeting Summary

A community meeting was held on December 9, 2019 at Columbia Elementary School. Eighty-four (84) residents were in attendance and the community response was negative. Residents expressed concerns related to compatibility with existing development, water quality, septic, drainage, home value depreciation, environmental impacts on Lake Pickett, increased cost of living, impacts on the amount of open space the development is able to accommodate, and the development setting a precedent in the area.

Utilities

Water:	Orange County Utilities	8-inch watermain constructed with Lake Pickett Cluster Parcels Phase 1-3 Phase 1
Wastewater:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (February 20, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-CE (Country Estate Cluster District) zoning, subject to the following restrictions:

- 1) Development shall conform to the Lake Pickett Cluster Plan dated "Received December 2, 2019"; and
- 2) Excluding natural waterbodies, the minimum residential lot size shall be 21,780 square feet (1/2 acre), or 43,560 square feet (1 acre) when adjacent to Lake Pickett in Phases 1 and 4; and
- 3) Excluding natural waterbodies, the minimum residential lot size shall be 14,520 square feet (1/3 acre), or 43,560 square feet (1 acre) when adjacent to Lake Pickett in Phases 2, 3, 5, and 6; and
- 4) Residential development shall be limited to a maximum of 253 single family lots; and
- 5) The location of adjacent telecommunication towers shall be addressed at Preliminary Subdivision Plan (PSP) review; and
- 6) The developer shall obtain water service from Orange County; and
- 7) In the event the Development includes any 1/3 acre lots, then:
 - a. The Development shall include a minimum 25' contiguous native vegetative landscaping buffer along the north and east boundary of the revised area (Phases 2, 3, 5, and 6) to allow for a wildlife corridor; and
 - b. The Development shall include a minimum 100 foot lot buffer along the eastern boundary of the revised area (Phases 2, 3, 5, and 6), which buffer may also serve as the wildlife corridor buffer referenced above for the eastern boundary.

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-CE-C (Country Estate Cluster District) Zoning, subject to six restrictions. The applicant was present and agreed with the staff recommendation. The applicant also offered a seventh restriction, which would provide for a minimum 100' buffer on the eastern portion of the property.

Staff indicated that four hundred ninety-two (492) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) commentaries in favor of the request and thirty-four (34) in opposition. Seven (7) members of the public were present to speak on this request.

After discussion related to the proposed buffer, the location of the additional open space, and the proximity of residential units to the existing communication tower, a motion was made by Commissioner Spears, and seconded by Commissioner Fernandez to recommend APPROVAL of the requested R-CE-C zoning, subject to seven restrictions. The motion carried on a 7-1 vote.

Motion / Second	<i>Gordon Spears / Eddie Fernandez</i>
Voting in Favor	<i>Gordon Spears, Eddie Fernandez, Evelyn Cardenas, Mohammed Abdallah, Jimmy Dunn, JaJa Wade, and Carlos Nazario</i>
Voting in Opposition	<i>Diane Velazquez</i>
Absent	<i>None</i>

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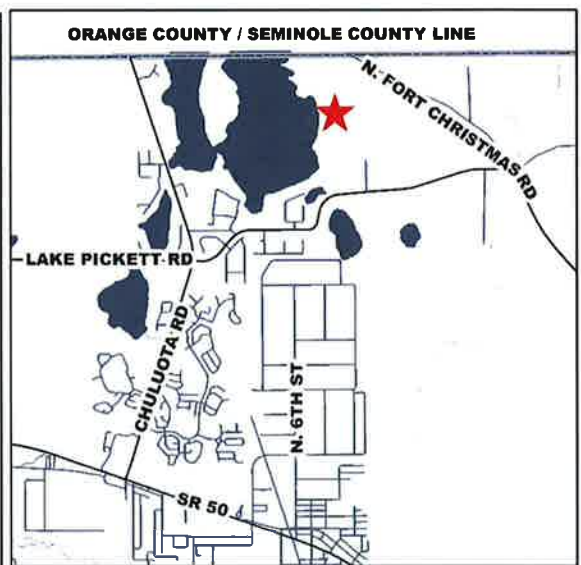


- Affected Phases
- Lake Pickett Cluster Plan
- Lake Pickett Rural Settlement

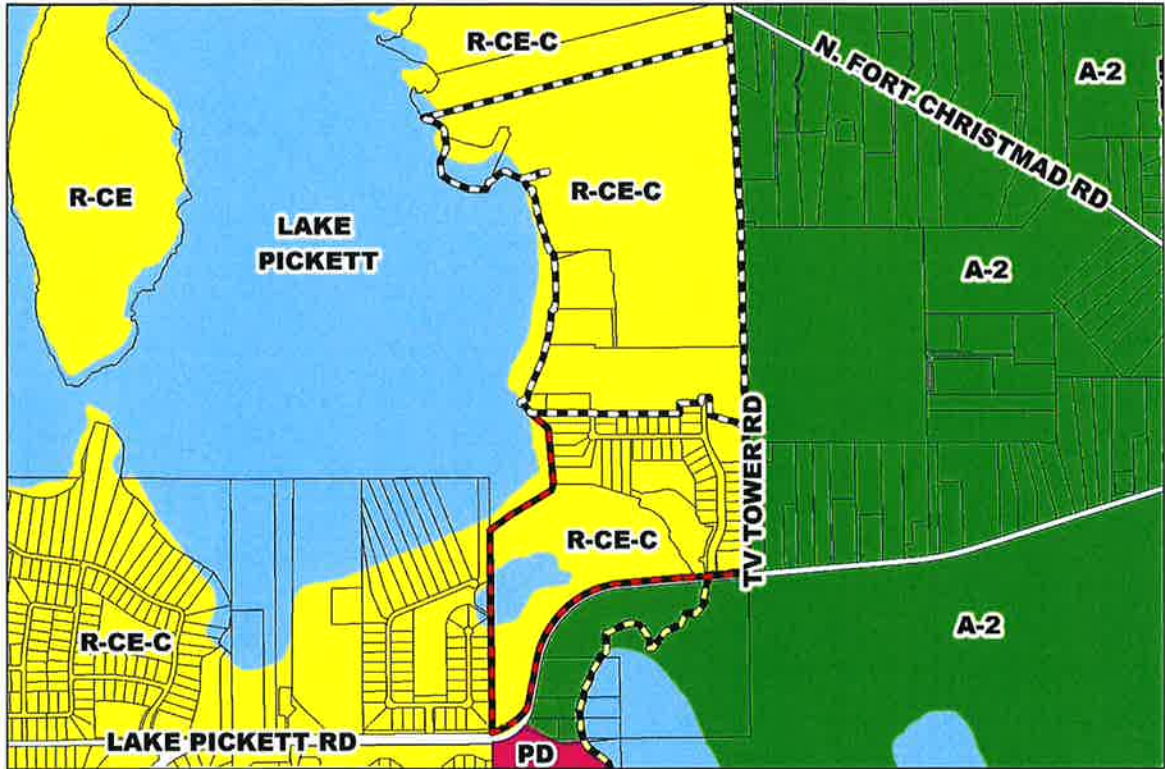


Subject Property

Future Land Use Map
 FLUM: Rural Settlement 1/1 (RS 1/1)
 APPLICANT: Kathy Hattaway, Poulos & Bennett, LLC
 LOCATION: Generally located on the west side of TV Tower Road, north of Lake Pickett Road, and southwest of North Fort Christmas Road
 TRACT SIZE: 292.79 gross acres (overall rezoning)
 253.26 net developable acres (overall rezoning)
 278.55 gross acres (parcels within phases 2, 3, 5, and 6)
 DISTRICT: # 5
 S/T/R: 02/22/32
 1 inch = 1,525 feet



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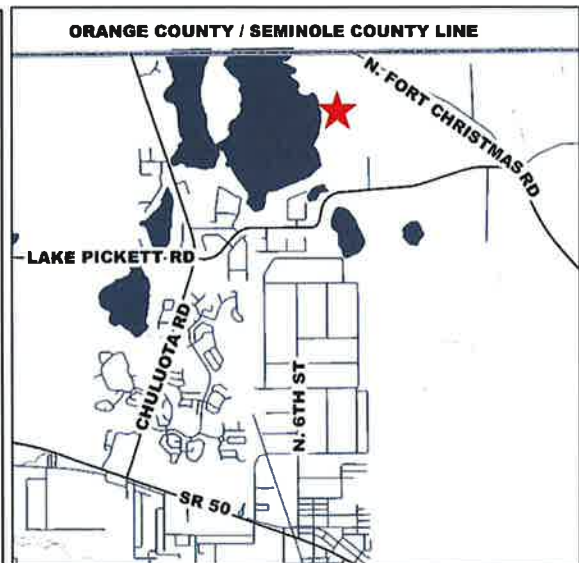


- Affected Phases
- Lake Pickett Cluster Plan
- Lake Pickett Rural Settlement



Subject Property

Zoning Map
 ZONING: R-CE-C (Country Estate Cluster District) to R-CE-C (Country Estate Cluster District)
 APPLICANT: Kathy Hattaway, Poulos & Bennett, LLC
 LOCATION: Generally located on the west side of TV Tower Road, north of Lake Pickett Road, and southwest of North Fort Christmas Road
 TRACT SIZE: 292.79 gross acres (overall rezoning)
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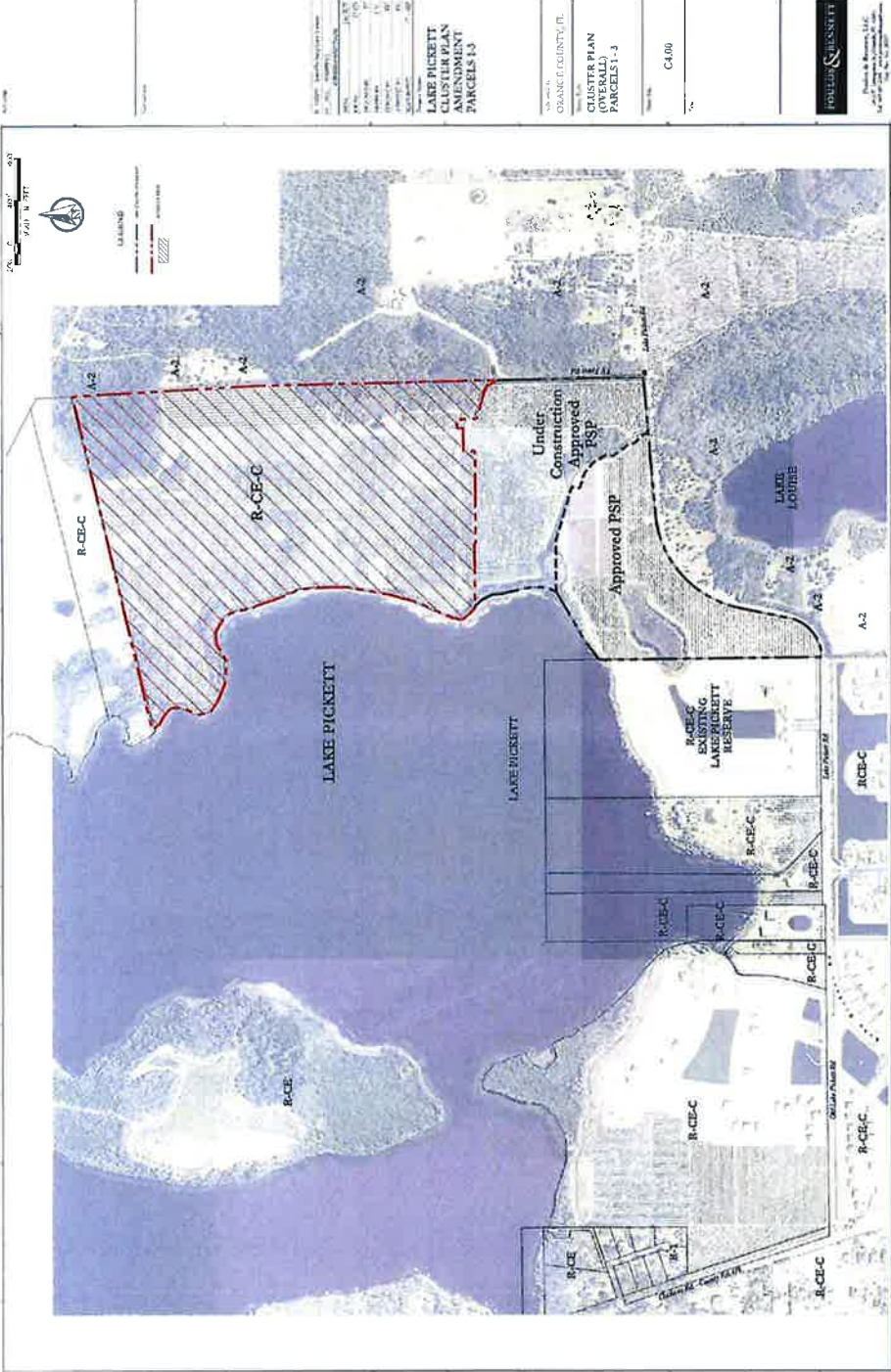


-  Affected Phases
-  Lake Pickett Cluster Plan
-  Lake Pickett Rural Settlement



1 inch = 1,050 feet

Lake Pickett Cluster Plan



Notification Map



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