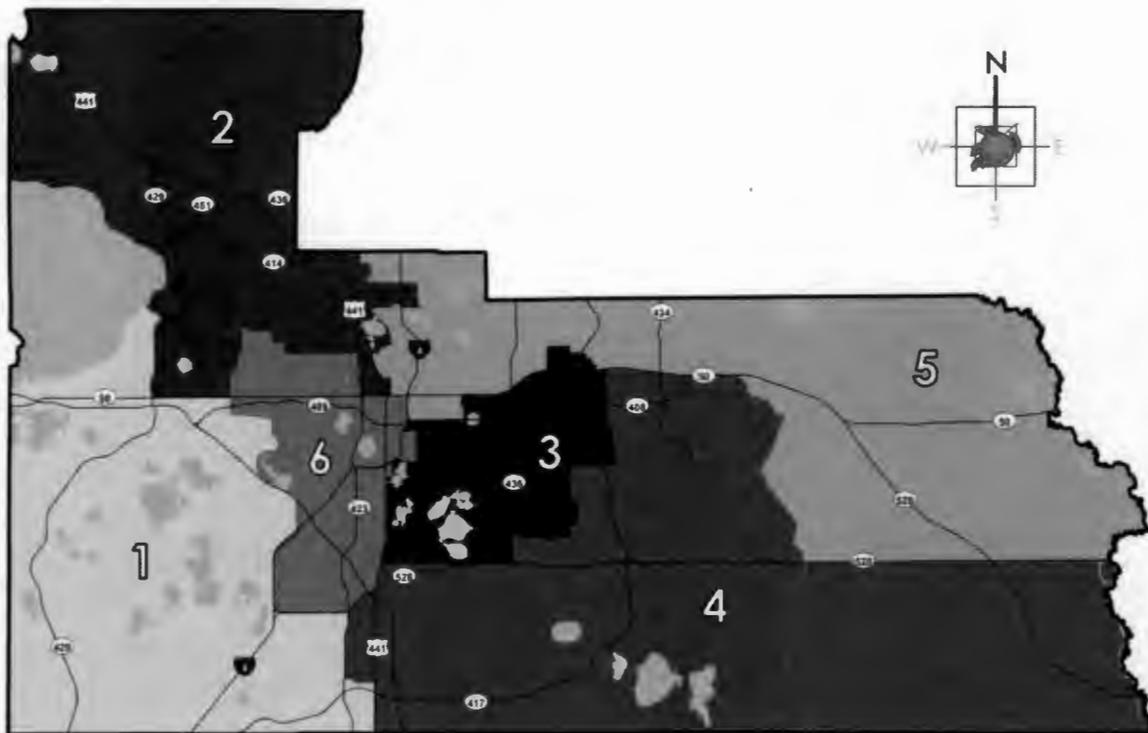




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

JULY 18, 2019



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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



James Dunn	District #1
Diane Velazquez	District #2
Eddie Fernandez	District #3
Carlos D. Nazario, Jr.	District #4
J. Gordon Spears Vice Chairperson	District #5
JaJa J. Wade	District #6
Mohammed Abdallah	At Large
Yog Melwani Chairperson	At Large
Jose Cantero	At Large

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**July 18, 2019**

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<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-19-04-003 Ossama Salama	<i>C-2 to C-3</i>	5	Denial	Continue to August 15, 2019 PZC	No
RZ-19-07-016 Yoganand Ganeshram	<i>R-1A to R-2</i>	3	Approval	Approval	No
RZ-19-07-017 Salvador Ojeda	<i>R-1 to R-T-1</i>	2	Approval	Approval	No
RZ-19-07-019 Robert Paymayesh	<i>A-2 to R-1</i>	3	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-19-07-020 Kristen M. Hughes	<i>A-1 to R-1</i>	5	Approval	Approval	No
RZ-19-07-022 Cherie Howington	<i>R-2 to R-T-1</i>	4	Approval	Approval	No
RZ-19-07-023 Nazem Sarkis	<i>C-1 to C-2</i>	3	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-19-07-025 Victor Norberg & Beverly Norberg	<i>C-1 to C-2</i>	3	Denial	Denial	No

## II. PLANNED DEVELOPMENT PUBLIC HEARINGS

LUP-18-12-392 Steven Shea, Civil / Site Engineering, Inc. Semoran Vista PD	<i>P-O to PD</i>	5	Approval with eighteen (18) conditions	Approval with eighteen (18) conditions	Yes
LUPA-19-01-032 Sam J. Sebaali, Florida Engineering Group, Inc. Sam's Trail Plaza PD	<i>C-1 &amp; PD to PD</i>	4	Approval with twelve (12) conditions and five (5) waivers	Approval with twelve (12) conditions and five (5) waivers	Yes
LUP-19-02-074 Khaled Hussein Harrell Oaks PD	<i>A-2 to PD</i>	3 & 5	Approval with seventeen (17) conditions and one (1) waiver	Approval with seventeen (17) conditions and one (1) waiver	Yes

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
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 <sup>h</sup>	30 <sup>h</sup>	7.5	35	a
R-1A	7,500	1,200	75	20 <sup>h</sup>	25 <sup>h</sup>	7.5	35	a
R-1	5,000	1,000	50	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
R-2	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <sup>d</sup>	20 <sup>h</sup>	30	5 <sup>h</sup>	35	a
	Three DUs, 11,250	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10 <sup>b</sup>	35	a
R-3	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <sup>d</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
	Three dwelling units, 11,250	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10 <sup>b</sup>	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
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 <sup>c</sup>	1,000	45	25/20 <sup>k</sup>	25/20 <sup>k</sup>	5	35	a
Mobile home	4,500 <sup>c</sup>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <sup>k</sup>	25/20 <sup>k</sup>	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 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	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 <i>k</i>	<i>a</i>
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 <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	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 <i>k</i>	<i>a</i>
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 <i>k</i>	<i>a</i>	
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>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	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 <i>k</i>	<i>a</i>
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 <i>k</i>	<i>a</i>	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 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	<i>a</i>

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	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 <sup>f</sup>	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	<sup>a</sup>
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup>	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	<sup>a</sup>

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
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-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**

- <sup>a</sup> 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.
- <sup>b</sup> Side setback is 30 feet where adjacent to single-family district.
- <sup>c</sup> 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.
- <sup>d</sup> 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.
- <sup>e</sup> Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- <sup>f</sup> Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- <sup>g</sup> Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- <sup>h</sup> 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; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and 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.
- <sup>j</sup> 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.
- <sup>k</sup> 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%.
- <sup>m</sup> 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.***

# BUFFER YARD REQUIREMENTS

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## 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:  
Steven Thorp

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: July 18, 2019

**CASE # RZ-19-07-016**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Yoganand Ganeshram, KG and Sons, LLC
<b>OWNER</b>	KG and Sons, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
<b>LOCATION</b>	2125 Carlton Drive; or generally located on the north side of Carlton Drive, approximately 300 feet east of Cloverlawn Avenue
<b>PARCEL ID NUMBER</b>	06-23-30-1432-02-200
<b>TRACT SIZE</b>	0.47-gross acre
<b>PUBLIC NOTIFICATION</b>	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 sixty-eight (168) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Construction of a duplex ( <i>pending approved lot split</i> )

**STAFF RECOMMENDATION**

**PLANNING**

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

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-2 (Residential District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Single-Family Detached Dwelling
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-2 (Residential District) (1990) S: R-2 (Residential District) (1966) <i>*No restrictions placed on the zoning districts above.</i>
<b>Adjacent Land Uses</b>	N: Single-Family Detached Dwellings E: Single-Family Detached Dwelling W: Single-Family Dwelling with 1991 Board of Zoning Adjustment approval of an Accessory Dwelling Unit (ADU) S: Single-Family Detached Dwellings

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

One-Family Dwelling

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

Two Dwelling Units

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

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.

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Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

**Four or More Dwelling Units**

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 ft.

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

**Permitted Uses**

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

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

**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject property is located at 2125 Carlton Drive; or generally located on the north side of Carlton Drive, approximately 300 feet east of Cloverlawn Avenue. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed in 1955.

The subject parcel was originally platted as one 100' x 203' lot within the Cloverlawn Subdivision. The plat for the Cloverlawn Subdivision was recorded on September 15, 1923. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units on 50' wide lots or larger, as well as townhomes, duplexes, apartments, and Accessory Dwelling Units.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-2 (Residential District), with the intent to split the property and construct a duplex on the resulting lot. The existing single-family detached dwelling is proposed to remain.

**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.

**Community Meeting Summary**

A community meeting was not required for this application.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**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 (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. The applicant shall contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area (AMA). A Capacity Encumbrance Application will be required prior to building permit approval.

**Code Enforcement**

There are no active Code Enforcement violations, hearing, or liens on the subject property.

**Utilities**

Water: Orlando Utilities Commission

Wastewater: City of Orlando

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Reclaim Water: City of Orlando

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not identify any 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 18, 2019)**

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

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

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

Staff indicated that one hundred sixty-eight (168) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with one (1) commentary received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the proposed development of the property, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-2 (Residential District) zoning. Commissioner Cantero seconded the motion, which then carried on a 8-0 vote.

**Motion / Second**

*Diane Velazquez / Jose Cantero*

**Voting in Favor**

*Diane Velazquez, Jose Cantero, JaJa Wade, Mohammed Abdallah, Yog Melwani, Carlos Nazario, Jimmy Dunn, and Gordon Spears*

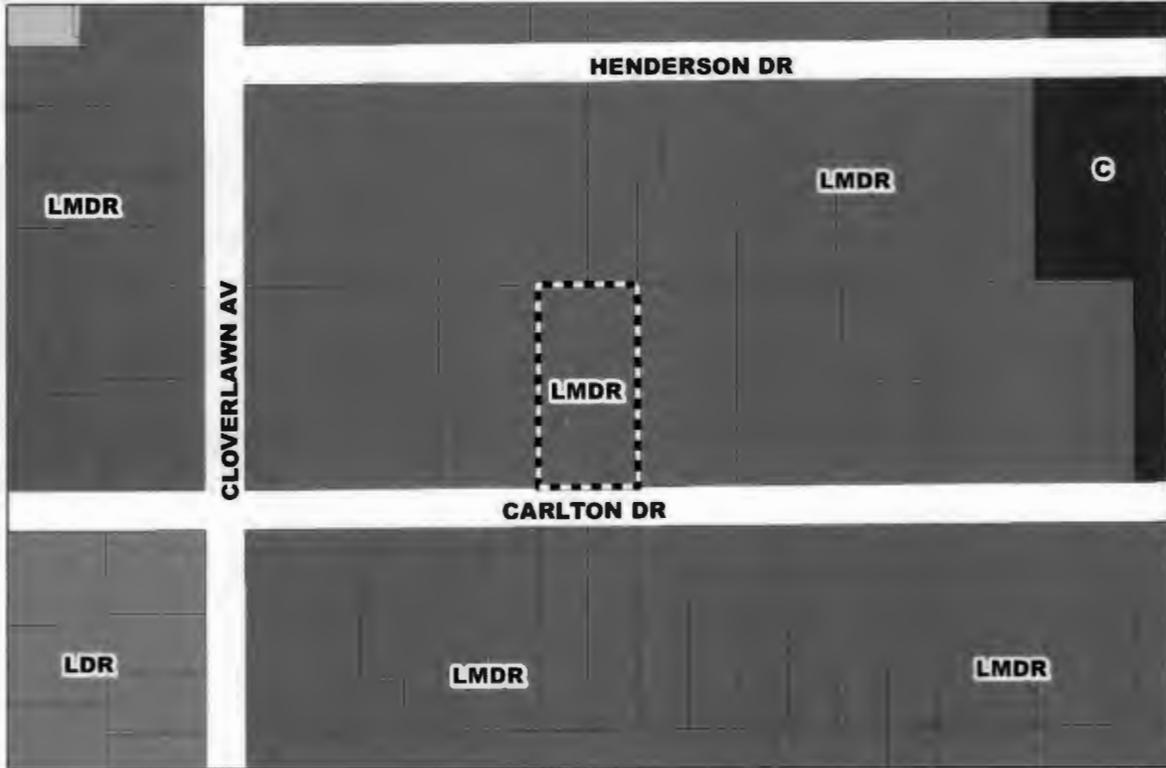
**Voting in Opposition**

*None*

**Absent**

*Eddie Fernandez*

RZ-19-07-016



Subject Property



★ Subject Property

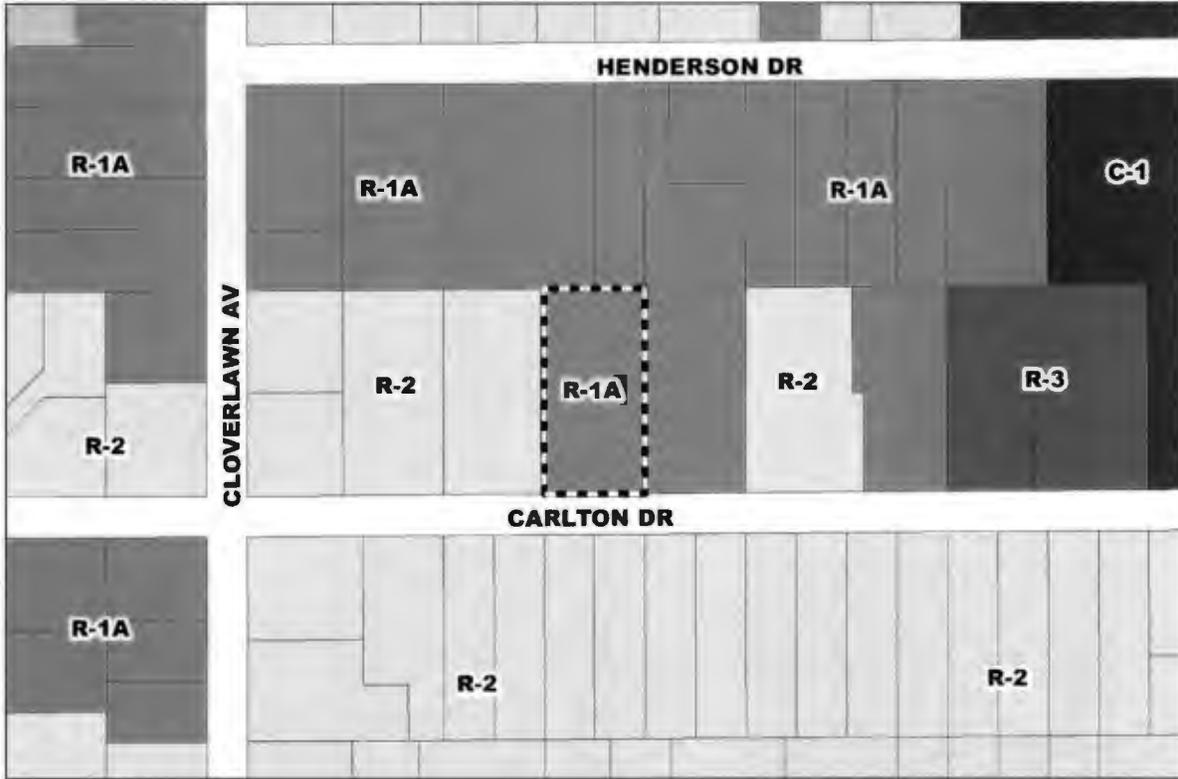
**Future Land Use Map**

**FLUM:** Low-Medium Density Residential (LMDR)  
**APPLICANT:** Yoganand Ganeshram, KG and Sons, LLC  
**LOCATION:** 2125 Carlton Drive; or generally located on the north side of Carlton Drive, approximately 300 feet east of Cloverlawn Avenue  
**TRACT SIZE:** 0.47-gross acre  
**DISTRICT:** # 3  
**S/T/R:** 06/23/30

1 inch = 150 feet



RZ-19-07-016



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-1A (Single-Family Dwelling District) to R-2 (Residential District)

**APPLICANT:** Yoganand Ganeshram, KG and Sons, LLC

**LOCATION:** 2125 Carlton Drive; or generally located on the north side of Carlton Drive, approximately 300 feet east of Cloverlawn Avenue

**TRACT SIZE:** 0.47-gross acre

**DISTRICT:** # 3

**S/T/R:** 06/23/30

1 inch = 150 feet



RZ-19-07-016

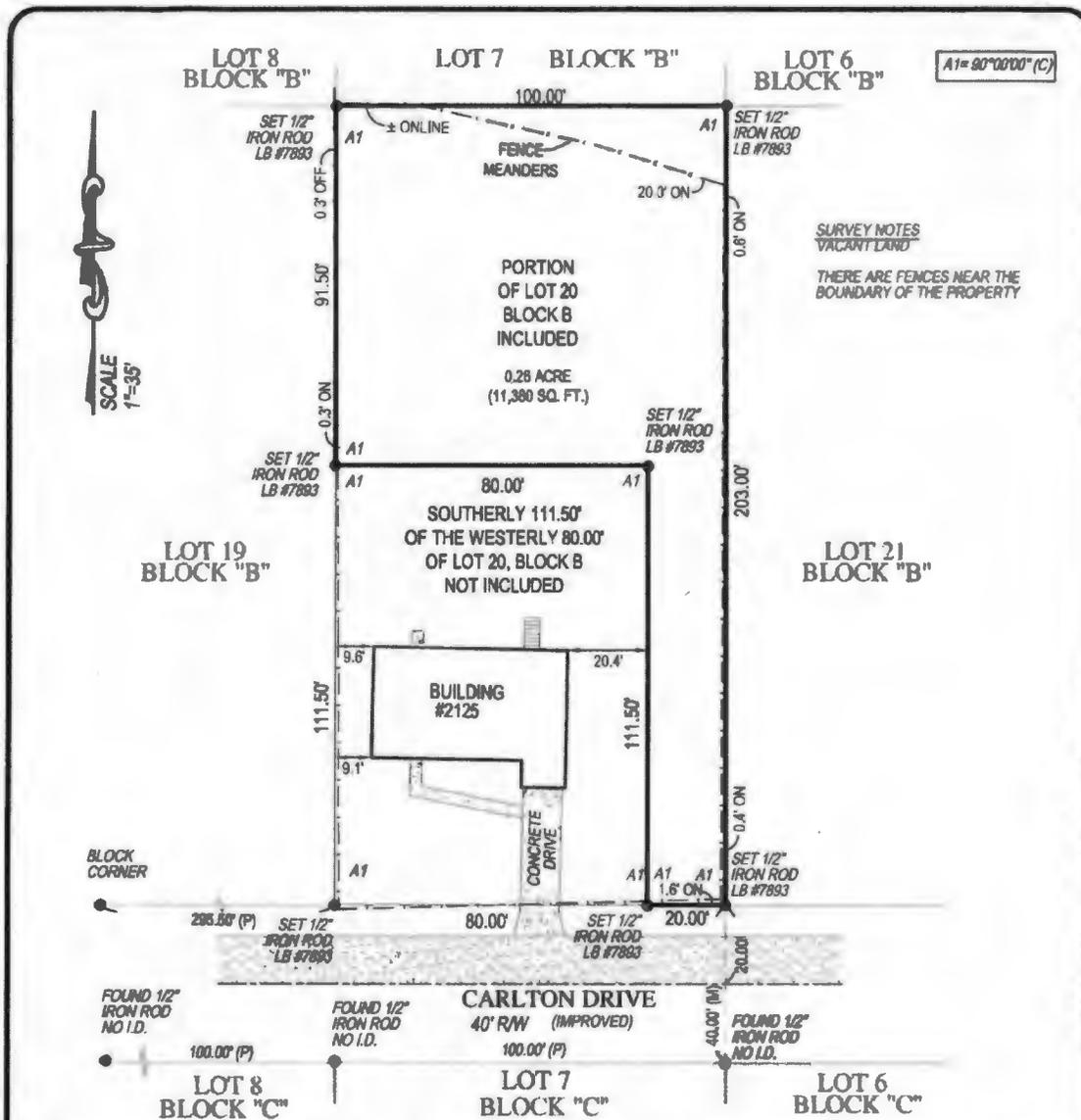


 Subject Property



1 inch = 125 feet

## Proposed Lot Split



**BOUNDARY SURVEY**  
 SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

**Kenneth Osborne**  
 Digitally signed by Kenneth Osborne  
 Date: 2019.05.08 15:36:45 -04'00'

**TARGET SURVEYING, LLC**  
 LB #7893  
 SERVING FLORIDA  
 6250 N. MILITARY TRAIL, SUITE 102  
 WEST PALM BEACH, FL 33407  
 PHONE: (561) 640-4800  
 STATEWIDE PHONE: (800) 228-4807  
 STATEWIDE FACSIMILE: (800) 741-0576  
 WEBSITE: <http://targetsurveying.net>

**BOUNDARY SURVEY**  
 SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

**Kenneth Osborne**  
 Digitally signed by Kenneth Osborne  
 Date: 2019.05.08 15:36:45 -04'00'

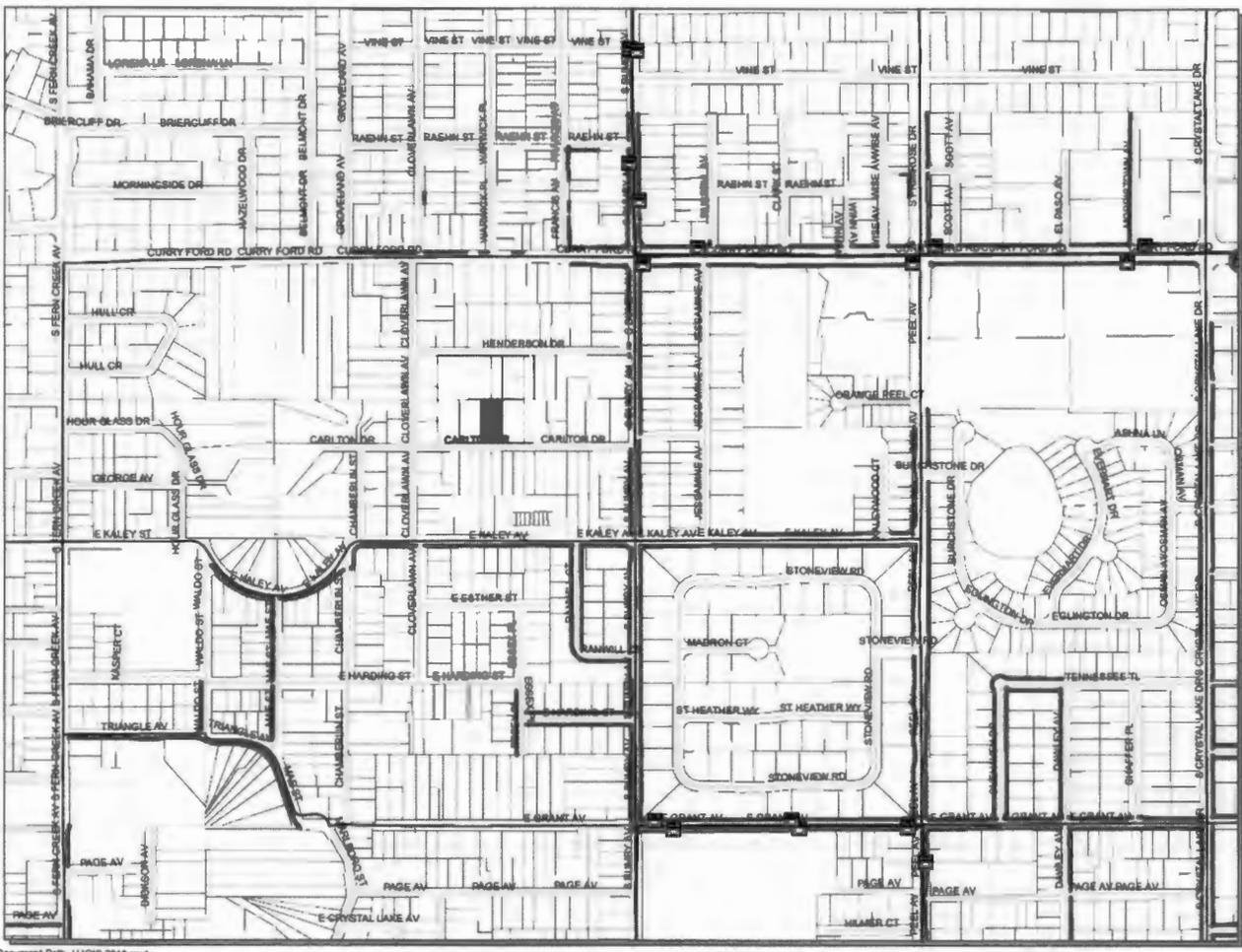
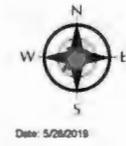
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**Alternative Mobility Area Context Map**

**RZ-19-07-16  
 2125 CARLTON DR.**

**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- County Boundary
- Parcels



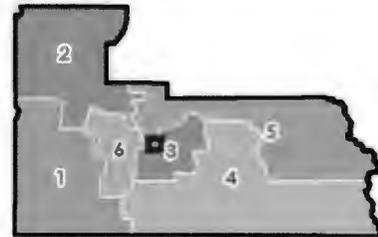
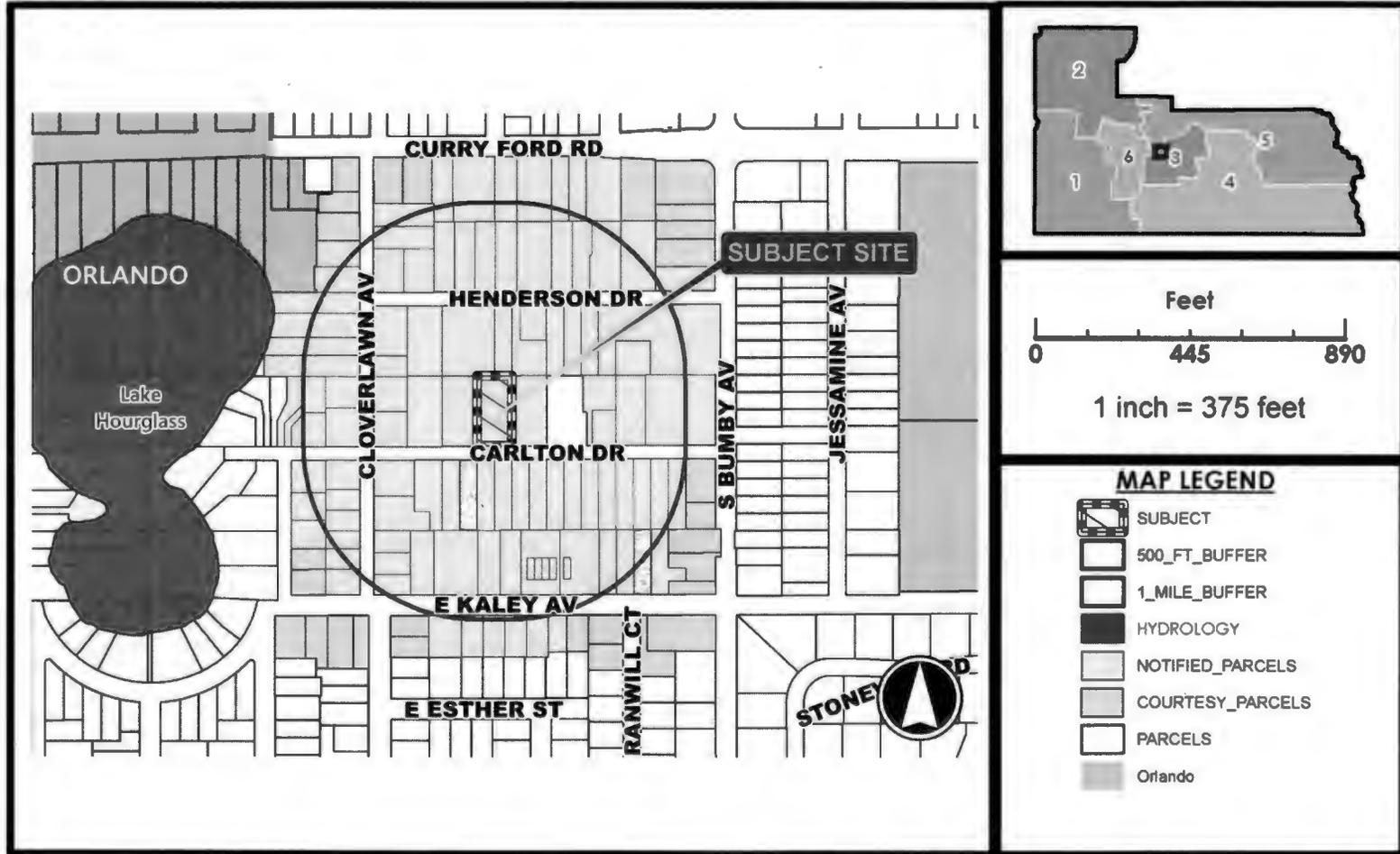
Document Path: U:\GIS\2019.mxd



# Public Notification Map

RZ-19-07-016

500 FT BUFFER, 168 NOTICES



1 inch = 375 feet

### MAP LEGEND

- SUBJECT
- 500\_FT\_BUFFER
- 1\_MILE\_BUFFER
- HYDROLOGY
- NOTIFIED\_PARCELS
- COURTESY\_PARCELS
- PARCELS
- Orlando

## Notification Map

Case # RZ-19-07-016  
 Orange County Planning Division  
 PZC Hearing Date: July 18, 2019

**CASE # RZ-19-07-017**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Salvador Ojeda
<b>OWNER</b>	Salvador Ojeda
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-1 (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)
<b>LOCATION</b>	1160 Mcgee Avenue; or generally located on the west side of Mcgee Avenue, approximately 100 feet south of E. 11th Street
<b>PARCEL ID NUMBER</b>	15-21-28-3280-00-650
<b>TRACT SIZE</b>	0.51-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Fifty-eight (58) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Mobile Home

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.**

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

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**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-T-1 (Mobile Home Subdivision District) zoning is consistent with the LDR 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.

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Undeveloped Residential
<b>Adjacent Zoning</b>	N: R-1 (Single-Family Dwelling District) (1957)
	E: R-1 (Single-Family Dwelling District) (1957)
	W: R-1 (Single-Family Dwelling District) (1957)

S: R-1 (Single-Family Dwelling District) (1957)

**Adjacent Land Uses**

N: Single-Family Detached Dwelling  
E: Undeveloped Residential  
W: Undeveloped Residential  
S: Undeveloped Residential

**R-T-1 (Mobile Home Subdivision District) Development Standards**

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
Front:	25 / 20 ft.
Rear:	25 / 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**

The R-T-1 (Mobile Home Subdivision District) zoning district is composed of lands and structures where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

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 1160 Mcgee Avenue; or generally located on the west side of Mcgee Avenue, approximately 100 feet south of E. 11th Street. The property is currently undeveloped.

The subject parcel was originally platted as one 100-foot wide lot and a 174-foot wide lot within the Hackney Property subdivision. The plat for the Hackney Property Subdivision was recorded on November 4, 1883. Today, the subdivision can be characterized as being developed with large suburban to rural sized lots with single-family uses.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District), with the intent of developing a mobile home on the property.

**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 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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located within the Apopka JPA. At the time of publication of this staff report, notice of the rezoning has been provided to the City, but no comments have been received.

**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**

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. The applicant shall contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

**Transportation / Access**

This project will not generate additional trips.

**Code Enforcement**

There is one (1) active Code Enforcement violation on the subject property. The violation is filed under Incident #540112, which relates to the parking and storage of inoperable or unregistered vehicles and commercial equipment, outdoor storage of trash, junk & debris, and the placement of an unpermitted camper. This violation is tentatively scheduled for the August 21, 2019 Code Enforcement Board (CEB) hearing. The rezoning of this property will not rectify this violation.

**Utilities**

Water: City of Apopka

Wastewater: City of Apopka

Reclaim Water: City of Apopka

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not identify any 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 18, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision 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-T-1 (Mobile Home Subdivision District) zoning.

Staff indicated that fifty-eight (58) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with ten (10) commentaries received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and concurred with staff's recommendation. There was one member of the public who spoke that stated he turned in the ten (10) commentaries opposed to the request, and with further clarification, he wanted to rescind the submitted opposition.

After a brief discussion regarding the proposed development of the property and the outstanding code enforcement issues, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-T-1 (Mobile Home Subdivision District) zoning. Commissioner Nazario seconded the motion, which then carried on a 8-0 vote.

**Motion / Second**

*Diane Velazquez / Carlos Nazario*

**Voting in Favor**

*Diane Velazquez, Carlos Nazario, JaJa Wade,  
Mohammed Abdallah, Jimmy Dunn, Jose Cantero, Yog  
Melwani, and Gordon Spears*

**Voting In Opposition**

*None*

**Absent**

*Eddie Fernandez*

RZ-19-07-017



Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Low Density Residential (LDR)  
**APPLICANT:** Salvador Ojeda  
**LOCATION:** 1160 Mcgee Avenue; or generally located on the west side of Mcgee Avenue, approximately 100 feet south of E. 11th Street  
**TRACT SIZE:** 0.51-gross acre  
**DISTRICT:** # 2  
**S/T/R:** 15/21/28

1 inch = 200 feet



RZ-19-07-017



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-1 (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)

**APPLICANT:** Salvador Ojeda

**LOCATION:** 1160 Mcgee Avenue; or generally located on the west side of Mcgee Avenue, approximately 100 feet south of E. 11th Street

**TRACT SIZE:** 0.51-gross acre

**DISTRICT:** # 2

**S/T/R:** 15/21/28

1 inch = 200 feet





 **Subject Property**



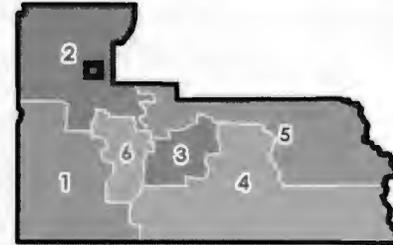
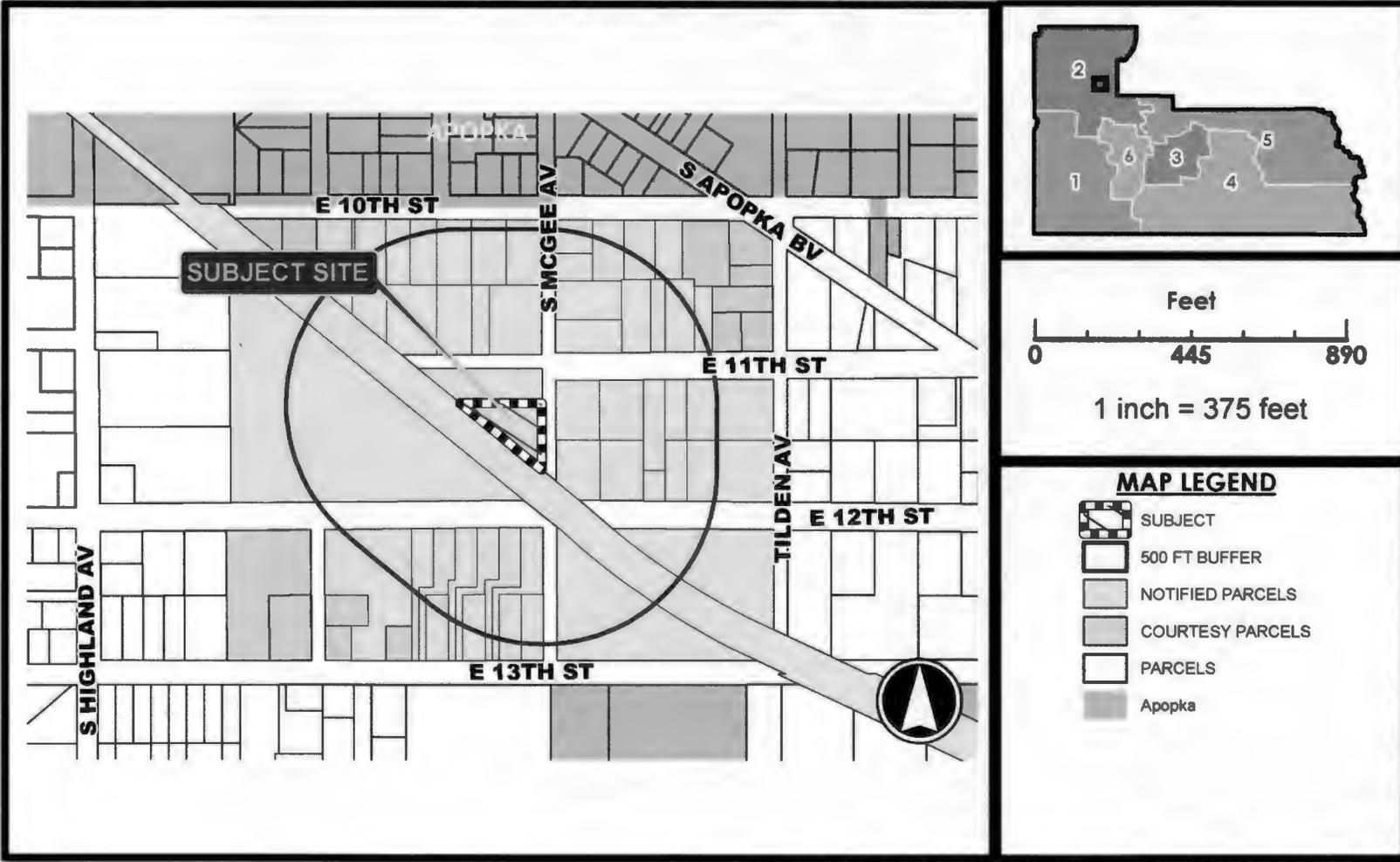
1 inch = 175 feet



# Public Notification Map

1160 Mcgee Avenue\_RZ-19-07-017

500 FT BUFFER, 58 NOTICES



1 inch = 375 feet

### MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS
- Apopka

Notification Map

Orange County Planning Division  
PZC Hearing Date: July 18, 2019

Case # RZ-19-07-017

**CASE # RZ-19-07-019**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Robert Paymayesh, College Park RBP, LLC
<b>OWNER</b>	College Park RBP, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)</b>
<b>LOCATION</b>	8901 Curry Ford Road; generally located north of Curry Ford Road, west of S. Econlockhatchee Trail, and east of S. Chickasaw Trail.
<b>PARCEL ID NUMBER</b>	01-23-30-0000-00-004
<b>TRACT SIZE</b>	4.85 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred eighty-four (284) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Thirteen (13) Single-Family Residential Dwelling Units.

**STAFF RECOMMENDATION**

**PLANNING**

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

- 1) Development shall be limited to a maximum of thirteen (13) single-family dwelling units.

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**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-1 (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). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential (LDR) 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**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-CE (Country Estate District) (1980) E: R-1 (Single-Family Dwelling District) (2009) <i>*Restricted to one (1) single-family lot</i> W: A-2 (Farmland Rural District) (1957) S: R-1 (Single-Family Dwelling District) (2010) (2018)
<b>Adjacent Land Uses</b>	N: Single-Family Residence E: Warehouse / Single-Family Residence W: Single-Family Residences S: Undeveloped Land

**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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	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 provide residential development similar in general character to the R-1AA and R-1A zoning districts, 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 8901 Curry Ford Road; generally located north of Curry Ford Road, west of S. Econlockhatchee Trail, and east of S. Chickasaw Trail. Through this request, the applicant is seeking to rezone the subject property from A-2

(Farmland Rural District) to R-1 (Single-Family Dwelling District) to construct thirteen (13) single-family residential dwelling units. The applicant intends to improve Woodhill Avenue, which runs along the west side of the property to County standards and use this road as primary access to the subject property.

The subject property and the surrounding area are designated on the Future Land Use Map (FLUM) as Low Density Residential (LDR), which allows up to four (4) dwelling units per acre. The surrounding area is characterized primarily by single-family development, with several detached single-family residential subdivisions. Retail shopping centers are located at the nearby intersections west and east of the subject property along Curry Ford Road at S. Econlockhatchee Trail, and east of S. Chickasaw Trail.

Several properties surrounding the subject property have rezoned from the A-2 (Farmland Rural District) zoning, which is inconsistent with the LDR FLU, to R-1 (Single-Family Residential District). The 29 acre area to the north of the subject property was rezoned to R-CE (Country Estate District) in 1980 to develop the existing residential subdivision.

The two parcels to the east of the subject property were rezoned from A-2 to R-1 in 2009 and 2010, respectively, with the intent to allow the owners to apply for special exceptions. Both rezonings were approved with the restriction limiting them to one (1) single family lot each. The property immediately to the east was subsequently denied a special exception to convert the existing warehouse to a church, and the property currently remains developed with a warehouse. The property to the east of the warehouse was an existing church, and a special exception for this property was approved to allow a modular classroom to be added. Farther east is the Deerwood Landings Planned Development, which was rezoned in 2001 and is developed with a Walmart neighborhood market and a 58 unit single-family subdivision.

The Monaco single-family subdivision is located 500 feet to the west of the subject property. This subdivision was rezoned to R-1 in 1996 and is platted with sixty 60' lots. Located southwest of the subject property, the Bradford Park single-family subdivision was rezoned to R-2 in 1992.

Finally, three parcels to the south were rezoned from A-1 to R-1 in 2010 with the intent to allow the owners to apply for special exceptions to develop two churches. Both rezonings were approved with the restriction limiting them to one (1) single family lot each. Both special exceptions were also approved but the churches were never constructed. The parcels were rezoned again in 2016 and 2018 to remove the restriction, with the intent of developing a single-family subdivision on the property.

**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 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.

**Community Meeting Summary**

A community meeting was not required for this request.

**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 located within Airport Noise Zone "E". Residential development is Airport Noise Zone "E" requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions.

**Environmental**

Wetlands are located onsite and extend offsite. Orange County Conservation Area Determination application CAD-19-05-077 was submitted for this property and it is in progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to any development, subdivision or permit approvals, in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. 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 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. Impacts to Class I conservation areas require approval from the Board of County Commissioners.

The site is vacant and vegetated. Development 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. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area and is not subject to transportation concurrency requirements. However, a mobility analysis may be required at building permit.

**Code Enforcement**

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

**Utilities**

Water:	Orange County Utilities	A 24-inch watermain is located within Curry Ford right-of-way
Wastewater:	Orange County Utilities	A 24-inch forcemain is located within Curry Ford right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

**Schools**

Orange County Public Schools (OCPS) issued a School Capacity Determination Capacity Enhancement Approval Letter for application OC-19-042 on May 31, 2019, that states the subject property is vested for three (3) single-family dwelling units, and that there is sufficient school capacity to support the development of ten (10) new single-family dwelling units. This determination expires on November 27, 2019. In the event this project does not obtain a local government approval by the expiration date, the applicant must resubmit the application to be reevaluated by OCPS.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 18, 2019)**

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

- 1) Development shall be limited to a maximum of thirteen (13) single-family dwelling units.

### **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 subject to one restriction. Staff and the applicant clarified that the restriction and proposed thirteen (13) dwelling units was based on existing school capacity and the allowable density with 1.37 acres of Class II wetland located on the property. The applicant noted that they were not proposing to impact the Class II wetland area.

Staff indicated that two hundred eighty-four (284) notices were mailed to surrounding property owners within a buffer of 1,000 feet surrounding the subject property, with four (4) responses received in opposition and one (1) in favor. Staff also indicated that an online petition in opposition to the request had been submitted signed by eighty (80) individuals, although only six (6) of which lived within one-mile of the subject property. Those in opposition cited concerns of loss of habitat, concerns of traffic impacts on Curry Ford Road, and that the proposed development would be incompatible with the rural properties located along Woodhill Avenue. The applicant was present for the hearing and concurred with staff's recommendation. Nine (9) members of the public were present and spoke in opposition to the request, citing concerns that the proposed development would be incompatible with the five (5) rural properties located on Woodhill Avenue.

Discussion ensued regarding access to the property. Staff noted that Woodhill Avenue is a County owned right-of-way, and although currently unmaintained, the applicant would be required to dedicate a portion of the subject property and construct Woodhill Avenue to County standards. Following the discussion, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning, subject to one restriction. Commissioner Cantero seconded the motion, which then carried on a 6-1 vote.

**Motion / Second**

*Gordon Spears / Jose Cantero*

**Voting in Favor**

*Gordon Spears, Jose Cantero, Yog Melwani, JaJa Wade, Carlos Nazario, and Jimmy Dunn*

**Voting in Opposition**

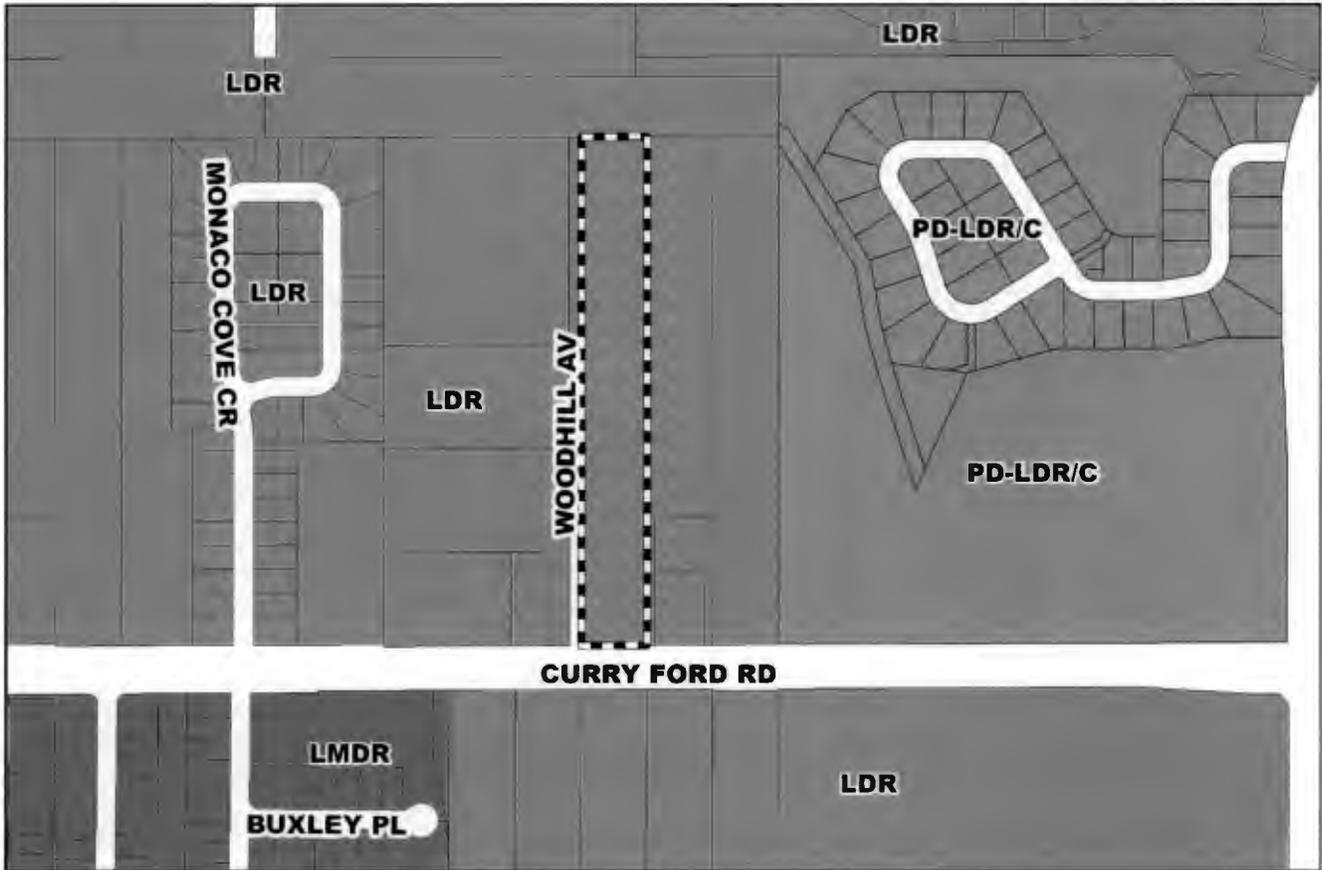
*Diane Velazquez*

**Absent**

*Eddie Fernandez*

*(Mohammed Abdallah declared a conflict of interest and recused himself from the vote.)*

RZ-19-07-019



 Subject Property



 Subject Property

**Future Land Use Map**

**FLUM:** Low Density Residential (LDR)

**APPLICANT:** Robert Paymayesh, College Park RBP, LLC

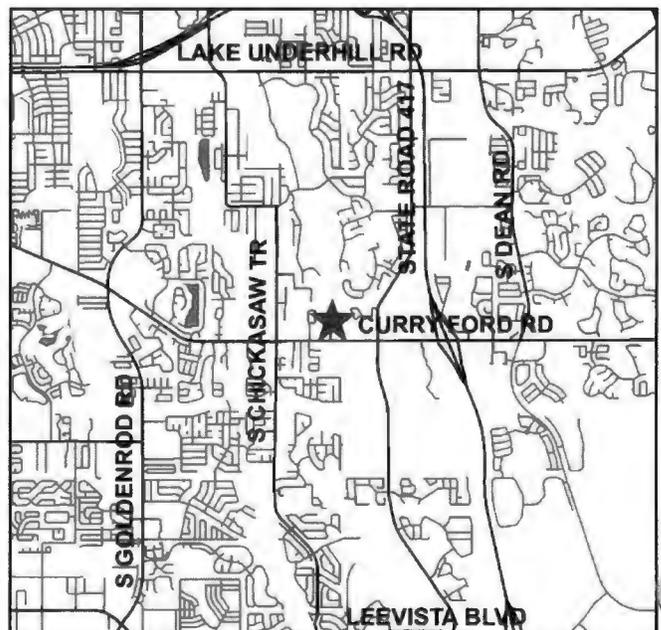
**LOCATION:** 8901 Curry Ford Road; generally located north of Curry Ford Road, west of S Econlockhatchee Trail, and east of S Chickasaw Trail.

**TRACT SIZE:** 4.85 gross acres

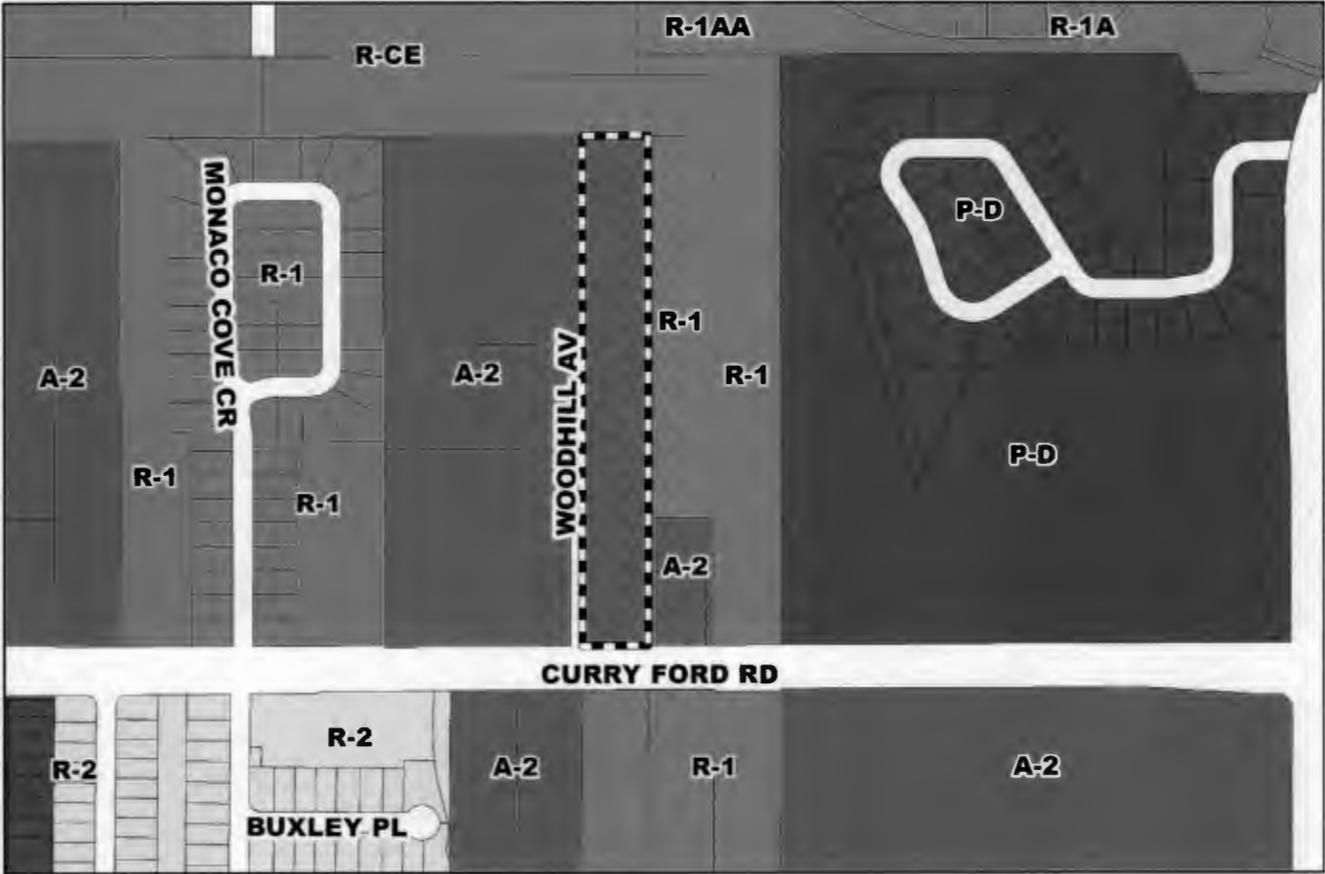
**DISTRICT:** # 3

**S/T/R:** 01/23/30

1 inch = 425 feet



RZ-19-07-019



Subject Property



Subject Property

**Zoning Map**

**ZONING:** A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)

**APPLICANT:** Robert Paymayesh, College Park RBP, LLC

**LOCATION:** 8901 Curry Ford Road; generally located north of Curry Ford Road, west of S Econlockhatchee Trail, and east of S Chickasaw Trail.

**TRACT SIZE:** 4.85 gross acres

**DISTRICT:** # 3

**S/T/R:** 01/23/30

1 inch = 425 feet



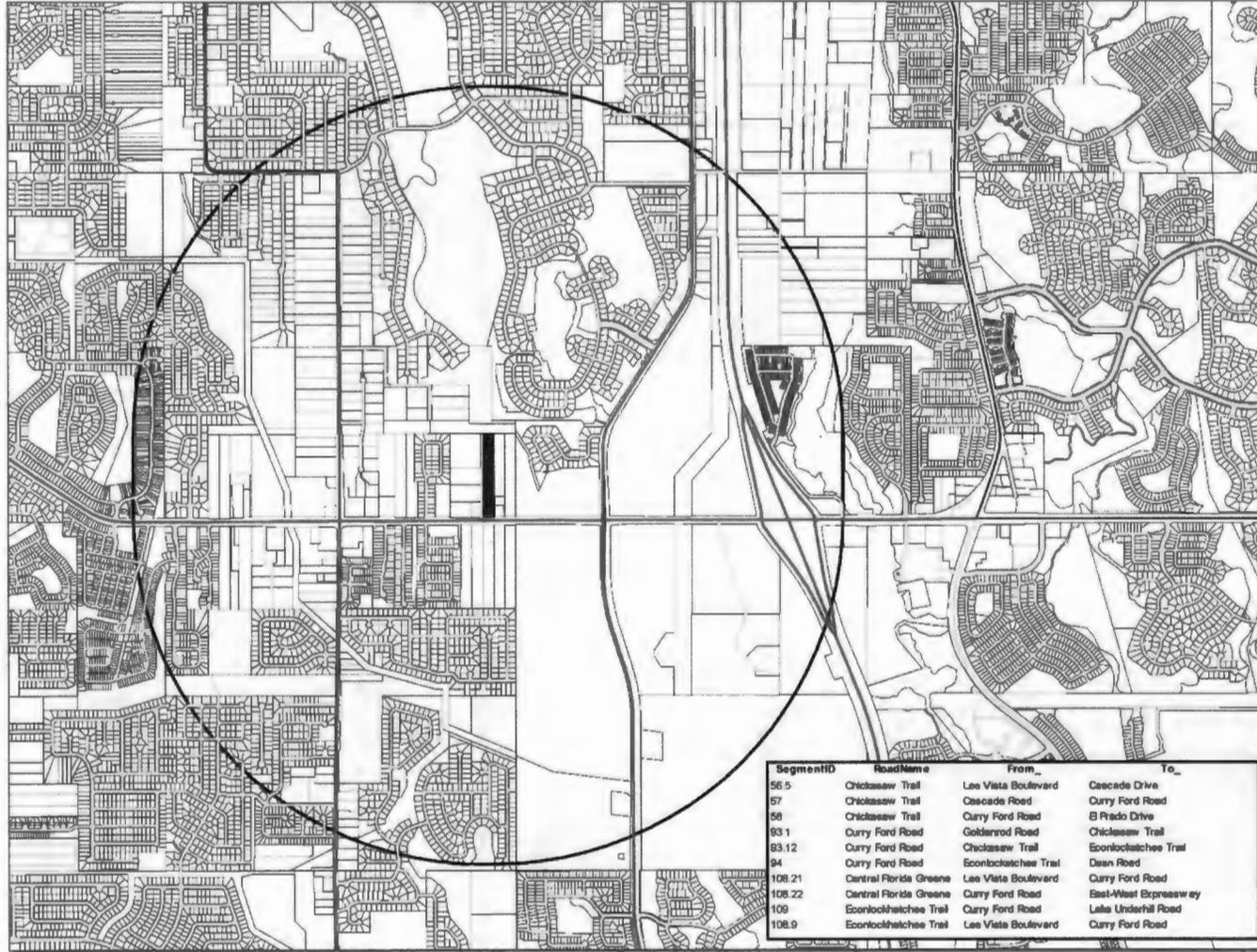
RZ-19-07-019



**Subject Property**



1 inch = 450 feet



Document Path: U:\GIS 2018.mxd

RZ-19-07-019  
 13 SFR'S

**Legend**

- Major Streets
- Roads Base
- Segment\_ID
- Major Streets
- Streets
- ▭ PA\_PARCELS\_Buffer173
- ▭ Horizon West Boundary
- ▭ County Boundary
- ▭ Parcels



Date: 5/31/2019



# Public Notification Map

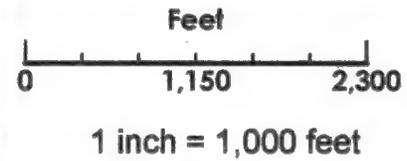
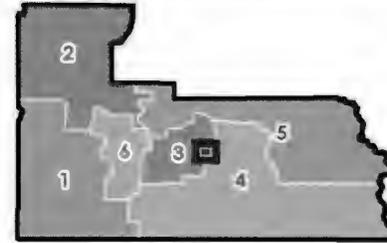
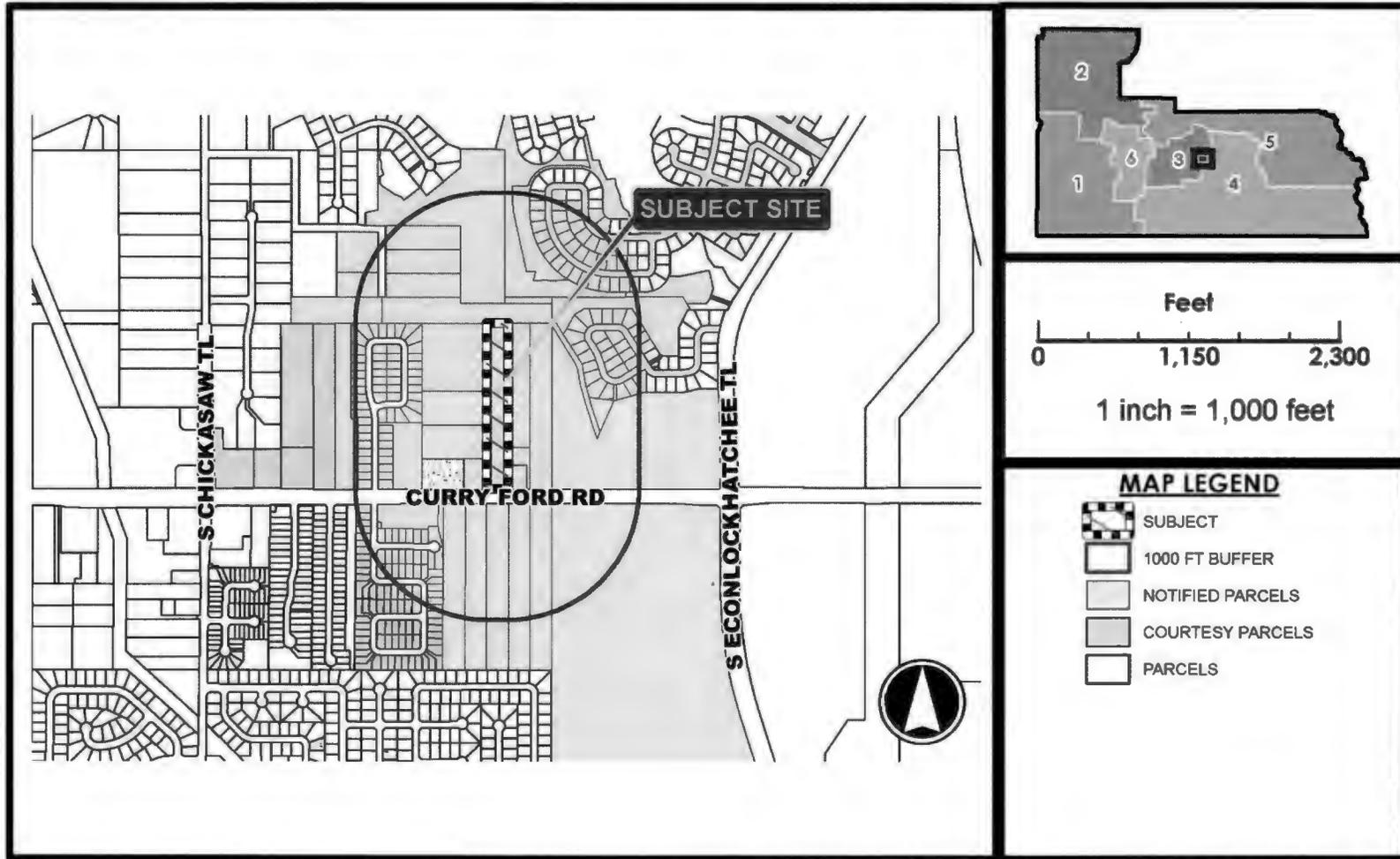
8901 Curry Ford Road\_RZ-19-07-019

1000 FT BUFFER, 284 NOTICES

PZC Recommendation Book

35

July 18, 2019



- MAP LEGEND**
- SUBJECT
  - 1000 FT BUFFER
  - NOTIFIED PARCELS
  - COURTESY PARCELS
  - PARCELS

Notification Map

Case # RZ-19-07-019  
Orange County Planning Division  
PZC Hearing Date: July 18, 2019

**CASE # RZ-19-07-020**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Kristen M. Hughes, BK2 Construction, LLC
<b>OWNER</b>	BK2 Construction, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)</b>
<b>LOCATION</b>	2313 Drake Drive; generally located at the northeast corner of the intersection of Drake Drive, and Albemarle Road, south of Greenleaf Drive.
<b>PARCEL ID NUMBER</b>	28-21-29-9264-01-020
<b>TRACT SIZE</b>	0.56 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifty-two (152) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Three (3) Single-Family Detached Dwelling Units <i>(One Per Lot Pending Approved Lot Split)</i>

**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 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). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential (LDR) FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

**SITE DATA**

**Existing Use**                      Single-Family Residence

**Adjacent Zoning** N: A-1 (Citrus Rural District) (1957)  
E: R-1 (Single-Family Dwelling District) (1974)  
W: R-1 (Single-Family Dwelling District) (1957)  
S: R-1 (Single-Family Dwelling District) (2002) (2005)  
*\*No zoning restrictions apply to the above*

**Adjacent Land Uses** N: Single-Family Residence  
E: Single-Family Residence  
W: Single-Family Residence  
S: Single-Family Residence

**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:  
    *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 provide residential development similar in general character to the R-1AA and R-1A zoning districts, 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 2313 Drake Drive, or generally at the northeast corner of the intersection of Drake Drive and Albemarle Road, south of Greenleaf Drive. Through this request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) to allow for the development of up to three (3) single-family detached dwelling units pending an approved lot split. The subject property was originally platted in 1951 as three (3) sixty-foot wide lots (101, 103, and 201 of the Whispering Pines 1<sup>st</sup> Addition Subdivision), but

have been combined to form the current parcel. The Orange County Zoning Map originally designated all of the properties within the Whispering Pines subdivision that were west of Albemarle Road as R-1 (Single-Family Dwelling District) zoning, and those properties east of Albemarle Road as A-1 (Citrus Rural District).

The Future Land Use Map (FLUM) designates the neighborhood surrounding the subject property as Low Density Residential (LDR), and the properties along Forest City Road as Commercial (C), Office (O), and Medium Density Residential (MDR). The surrounding neighborhood is developed with single-family detached dwelling units, the majority of which are located on the originally platted 60 foot lots. This proposed rezoning would allow the subject property to be split out into the originally platted 60 foot lots, pending approval of Comprehensive Plan amendment 2019-2-B-FLUE-5.

**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. While the size of the existing parcel does not meet the minimum density criteria for three dwelling units under the existing FLUM, there is a staff initiated text amendment to the Comprehensive Plan that is currently in process (2019-2-B-FLUE-5) that will allow for properties such as the subject property to be split back to their originally platted lots regardless of the minimum density requirement as long as they meet the development standards for the zoning district. Amendment 2019-2-B-FLUE-5 is scheduled for final approval before the Board of County Commissioners in November 2019.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located within the Maitland Joint Planning Area. The City of Maitland was notified of this request and did not provide any comments.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located in Airport Noise Zone.

**Environmental**

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation.

**Transportation / Access**

Project is located within the Orange County Alternative Mobility Area and is not subject to transportation concurrency requirements.

**Code Enforcement**

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

**Utilities**

Water:	Orange County Utilities	An 8-inch watermain is located within Drake right-of-way
Wastewater:	Orange County Utilities	A 12-inch forcemain is located within Albamarle right-of-way. However, individual single family homes will rely on onsite disposal systems (septic tanks) for wastewater disposal.
Reclaim Water:	Orange County Utilities	Not currently available

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 18, 2019)**

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

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**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 one hundred fifty-two (152) notices were mailed to surrounding property owners within a buffer of 600 feet from the subject property, with zero (0) commentaries received in favor and zero (0) received in opposition of the request. The applicant was not present and no members of the public were present for this request.

A motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning. Commissioner Cantero seconded the motion, which was carried on an 8-0 vote.

**Motion / Second**

*Gordon Spears / Jose Cantero*

**Voting in Favor**

*Gordon Spears, Jose Cantero, Jimmy Dunn, Yog Melwani, Diane Velazquez, JaJa Wade, Jimmy Dunn, and Carlos Nazario*

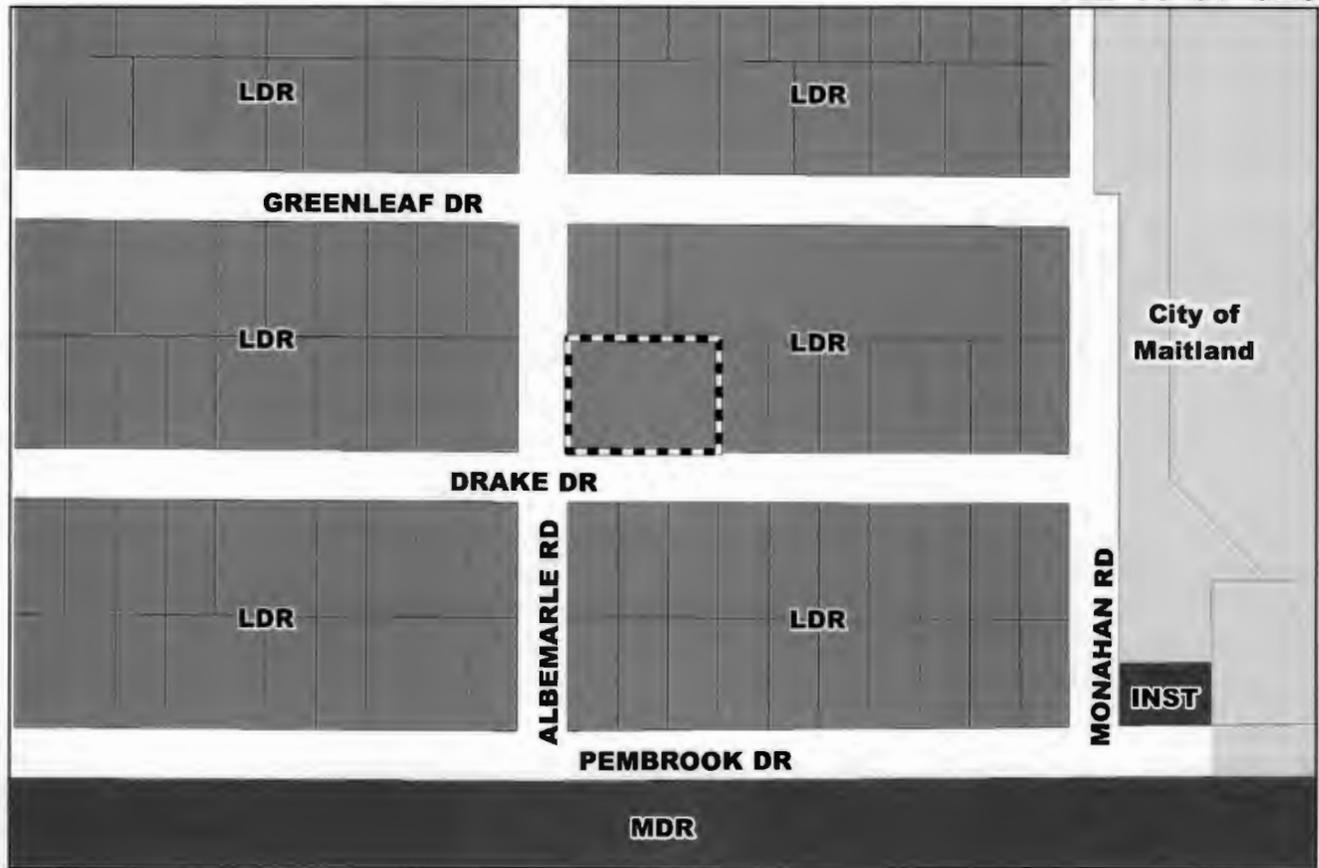
**Voting in Opposition**

*None*

**Absent**

*Eddie Fernandez*

RZ-19-07-020



 Subject Property



★ Subject Property

**Future Land Use Map**

FLUM: Low Density Residential (LDR)

APPLICANT: Kristen M. Hughes, BK2 Construction, LLC

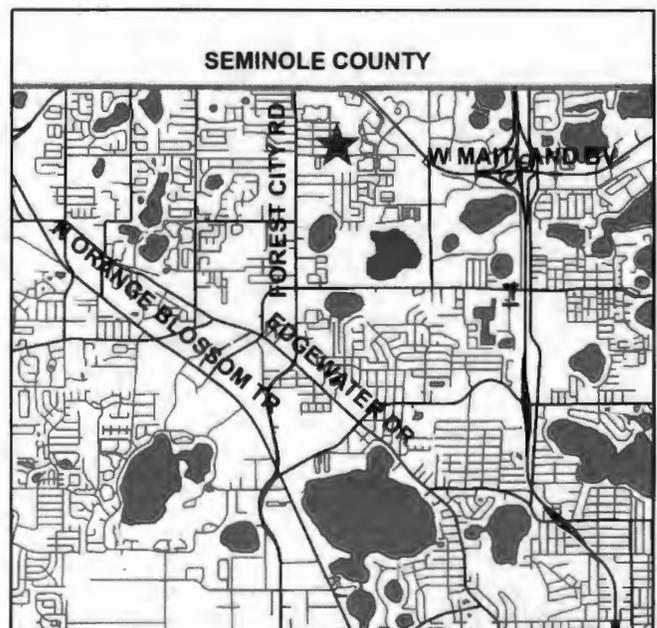
LOCATION: 2313 Drake Drive; generally located at the northeast corner of the intersection of Drake Drive, and Albemarle Road, south of Greenleaf Drive.

TRACT SIZE: 0.56 gross acre

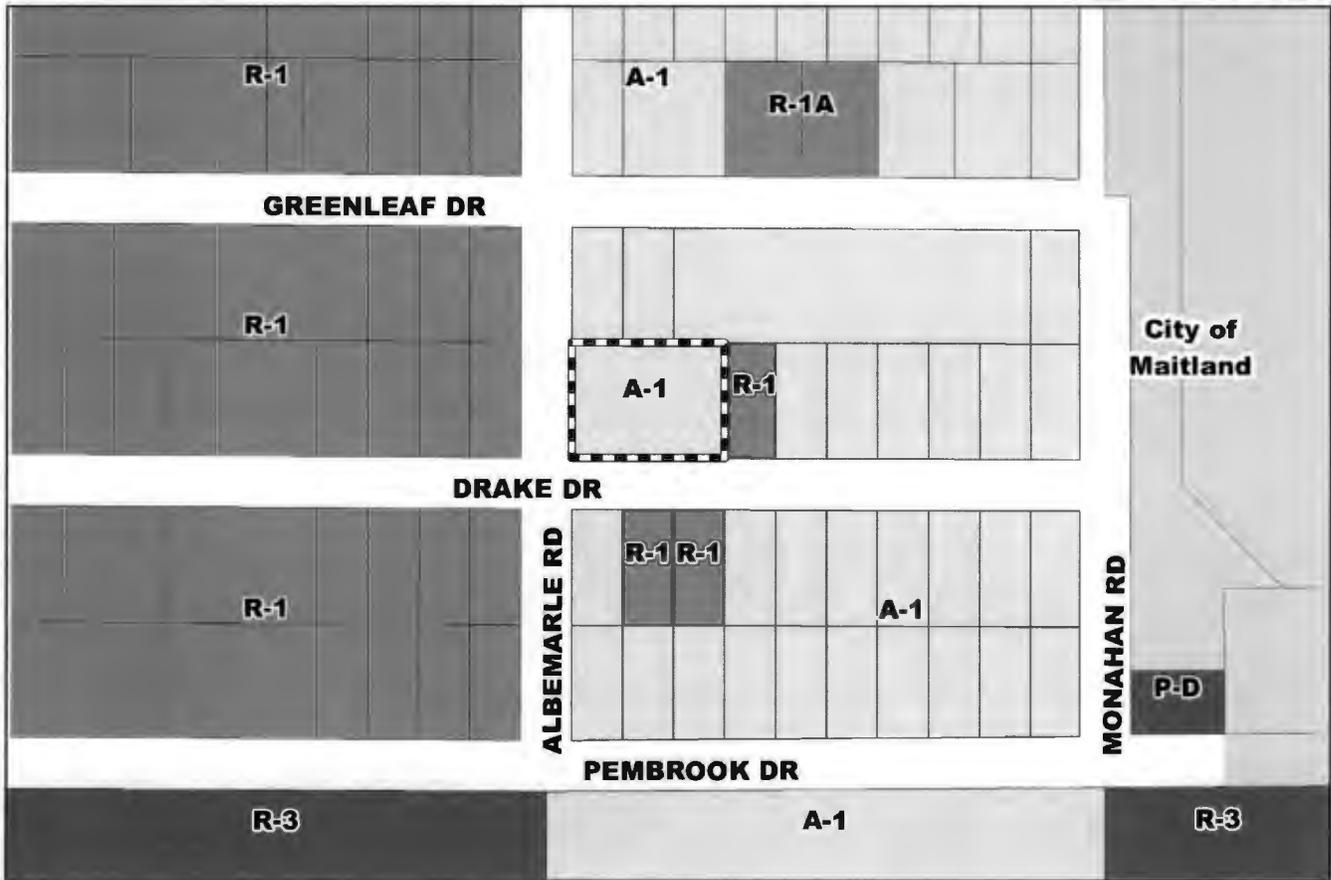
DISTRICT: # 5

S/T/R: 28/21/29

1 inch = 200 feet



RZ-19-07-020



 Subject Property



★ Subject Property

### Zoning Map

**ZONING:** A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)

**APPLICANT:** Kristen M. Hughes, BK2 Construction, LLC

**LOCATION:** 2313 Drake Drive; generally located at the northeast corner of the intersection of Drake Drive, and Albemarle Road, south of Greenleaf Drive.

**TRACT SIZE:** 0.56 gross acre

**DISTRICT:** # 5

**S/T/R:** 28/21/29

1 inch = 200 feet



RZ-19-07-020

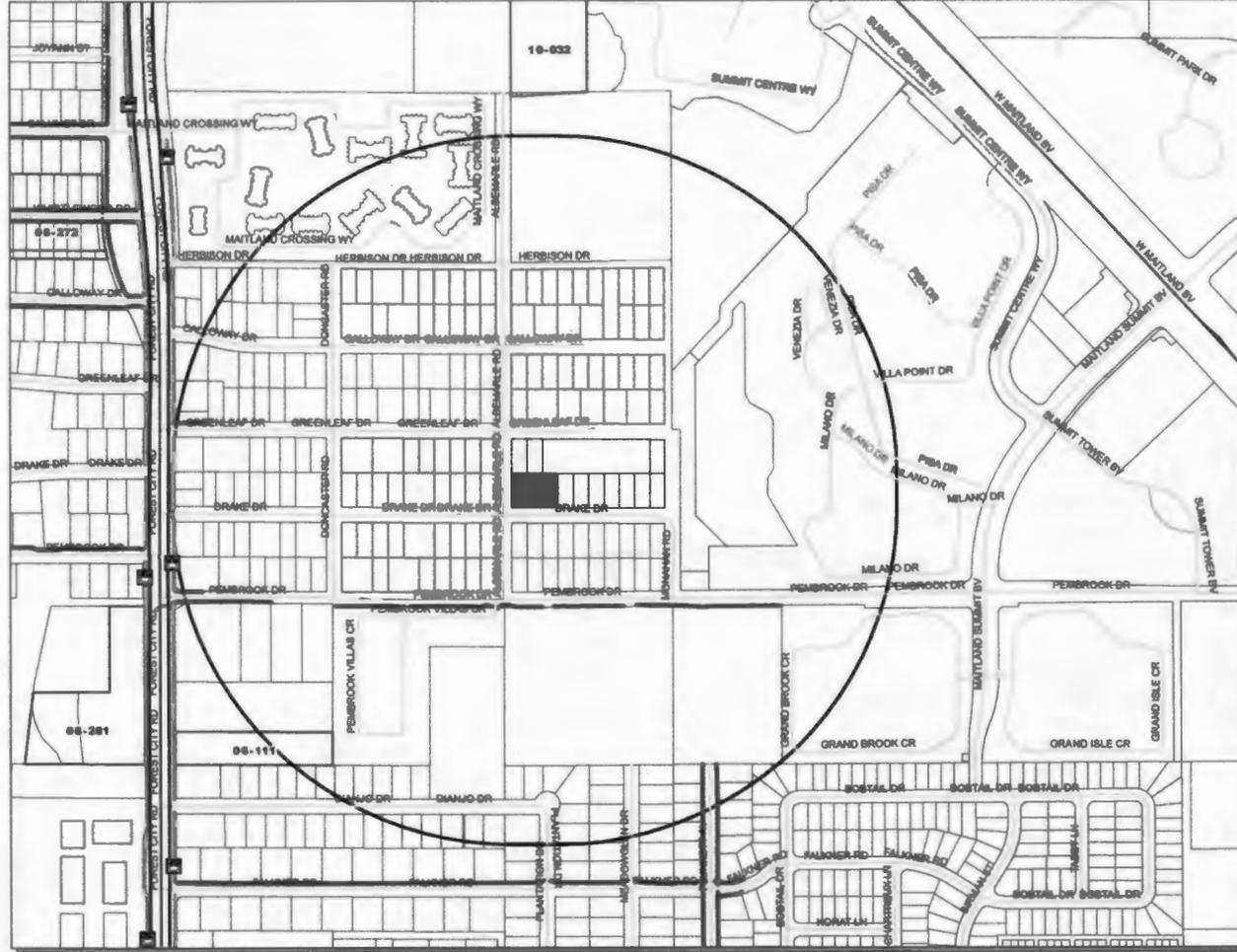


**Subject Property**



1 inch = 125 feet

**Alternative Mobility Area (AMA) Map**



Document Path: U:\GIS 2018.mxd

RZ-19-07-020

**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA\_PARCELS\_Buffer186
- CEL Applications
- County Boundary
- Parcels





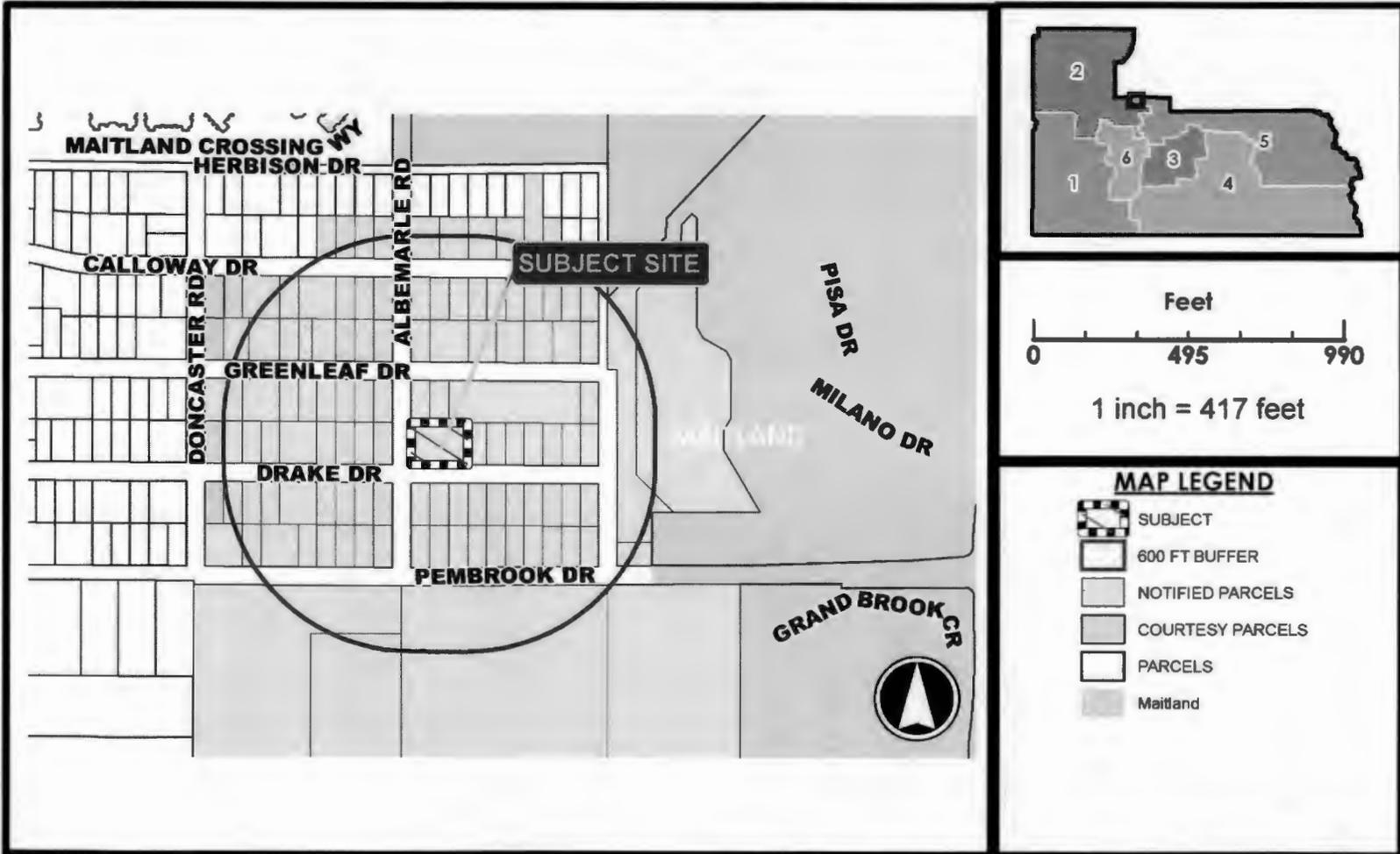
# Public Notification Map

2313 Drake Drive\_RZ-19-07-020  
600 FT BUFFER, 152 NOTICES

PZC Recommendation Book

46

July 18, 2019



Notification Map

Case # RZ-19-07-020  
Orange County Planning Division  
PZC Hearing Date: July 18, 2019

**CASE # RZ-19-07-022**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Cherie Howington
<b>OWNERS</b>	Efrain Lopez Garcia and Maria Mercedes Lopez
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District)
<b>LOCATION</b>	420 Pine Street; generally located south of Pine Street, north of 1st Street, west of Boyce Avenue, and east of Sidney Hayes Road.
<b>PARCEL ID NUMBER</b>	36-23-29-8228-50-403
<b>TRACT SIZE</b>	0.328 gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety (90) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Manufactured Home

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.**

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-T-1 (Mobile Home Subdivision 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 proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the Low Medium Density Residential (LMDR) 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.

**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.

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**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-2 (Residential District) (1971) E: R-2 (Residential District) (1971) W: R-2 (Residential District) (1971) S: R-T-1 (Mobile Home Subdivision District) (1996) R-2 (Residential District) (1971) <i>*No zoning restrictions apply to the above</i>
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Duplex W: Undeveloped Land S: Single-Family Residence

**R-T-1 (Mobile Home Subdivision District) Development Standards**

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
<i>Front:</i>	25 / 20 ft.
<i>Rear:</i>	25 / 20 ft.
<i>Side:</i>	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-T-1 (Mobile Home Subdivision District) zoning district is composed of lands and structures where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

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

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**SPECIAL INFORMATION**

**Subject Property Analysis**

The subject property is located at 420 Pine Street, or generally on the south side of Pine Street, north of 1st Street, west of Boyce Avenue, and east of Sidney Hayes Road. The subject property is located with the Taft community and the surrounding residential neighborhood is developed with a mixture of single-family residences and manufactured homes. Through this request, the applicant is seeking to rezone the subject parcel from R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District) with the intent to develop the property with one (1) manufactured home. While the subject property meets all of the minimum development and density standards, manufactured homes are not a permitted use within the R-2 zoning district.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**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 in Airport Noise Zone.

**Environmental**

Orange County Environmental Protection Division reviewed this request, but did not provide any comments.

**Transportation / Access**

The proposed request to rezone to Mobile Home Subdivision District and approval to develop one manufactured home will not result in any transportation impacts on the surrounding roadway network.

**Code Enforcement**

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

**Utilities**

Water:	Taft Water Association	
Wastewater:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently 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 reviewed this request, but did not provide any objections or comments.

**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 18, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.**

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

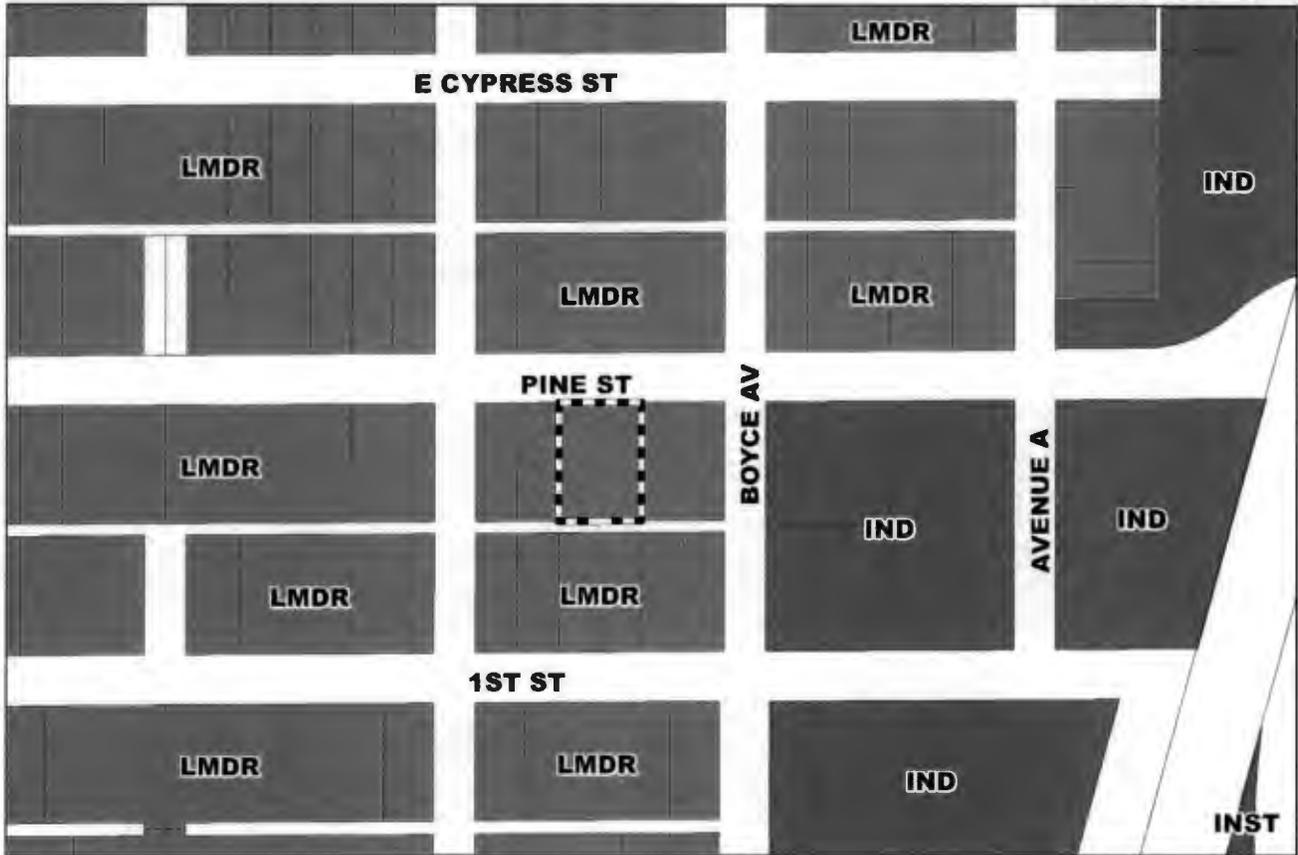
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-T-1 (Mobile Home Subdivision District) zoning.

Staff indicated that ninety (90) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received in favor and zero (0) received in opposition of the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present for this request.

After brief discussion, a motion was made by Commissioner Nazario to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-T-1 (Mobile Home Subdivision District) zoning. Commissioner Spears seconded the motion, which was carried on an 8-0 vote.

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

RZ-19-07-022



 Subject Property

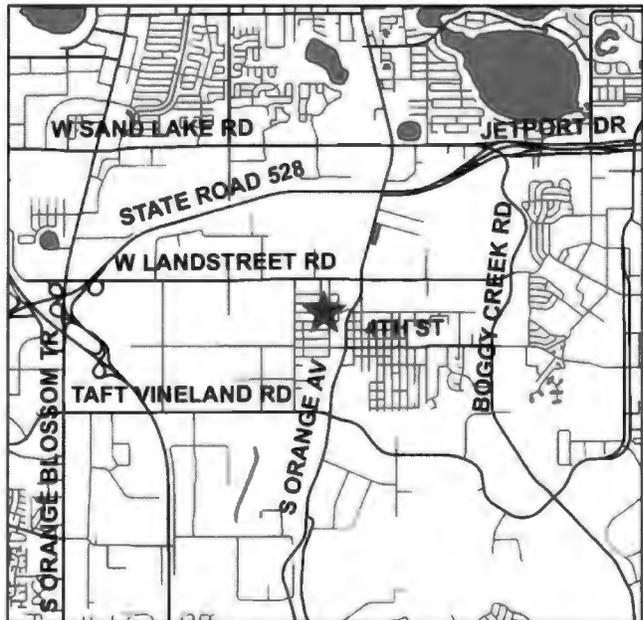


★ Subject Property

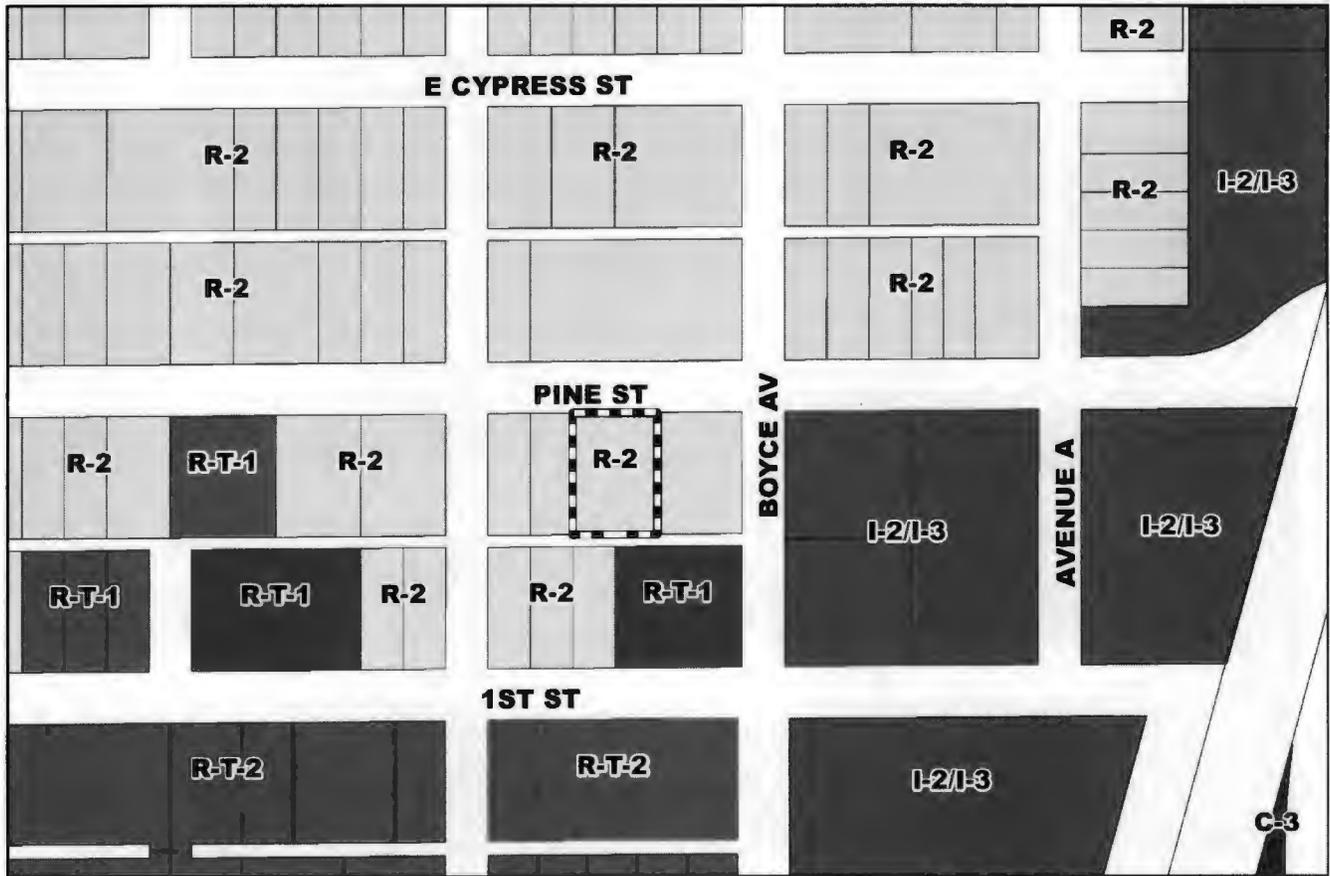
### Future Land Use Map

**FLUM:** Low-Medium Density Residential (LMDR)  
**APPLICANT:** Cherie Howington  
**LOCATION:** 420 Pine Street; generally located south of Pine Street, north of 1st Street, west of Boyce Avenue, and east of Sidney Hayes Road.  
**TRACT SIZE:** 0.328 gross acre  
**DISTRICT:** # 4  
**S/T/R:** 36/23/29

1 inch = 200 feet



RZ-19-07-022



Subject Property



Subject Property

### Zoning Map

**ZONING:** R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District)

**APPLICANT:** Cherie Howington

**LOCATION:** 420 Pine Street; generally located south of Pine Street, north of 1st Street, west of Boyce Avenue, and east of Sidney Hayes Road.

**TRACT SIZE:** 0.328 gross acre

**DISTRICT:** # 4

**S/T/R:** 36/23/29

1 inch = 200 feet



RZ-19-07-022



 Subject Property

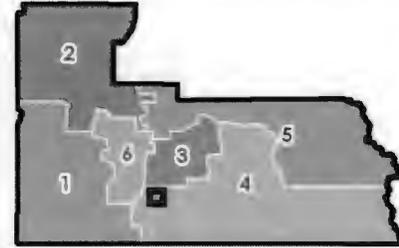
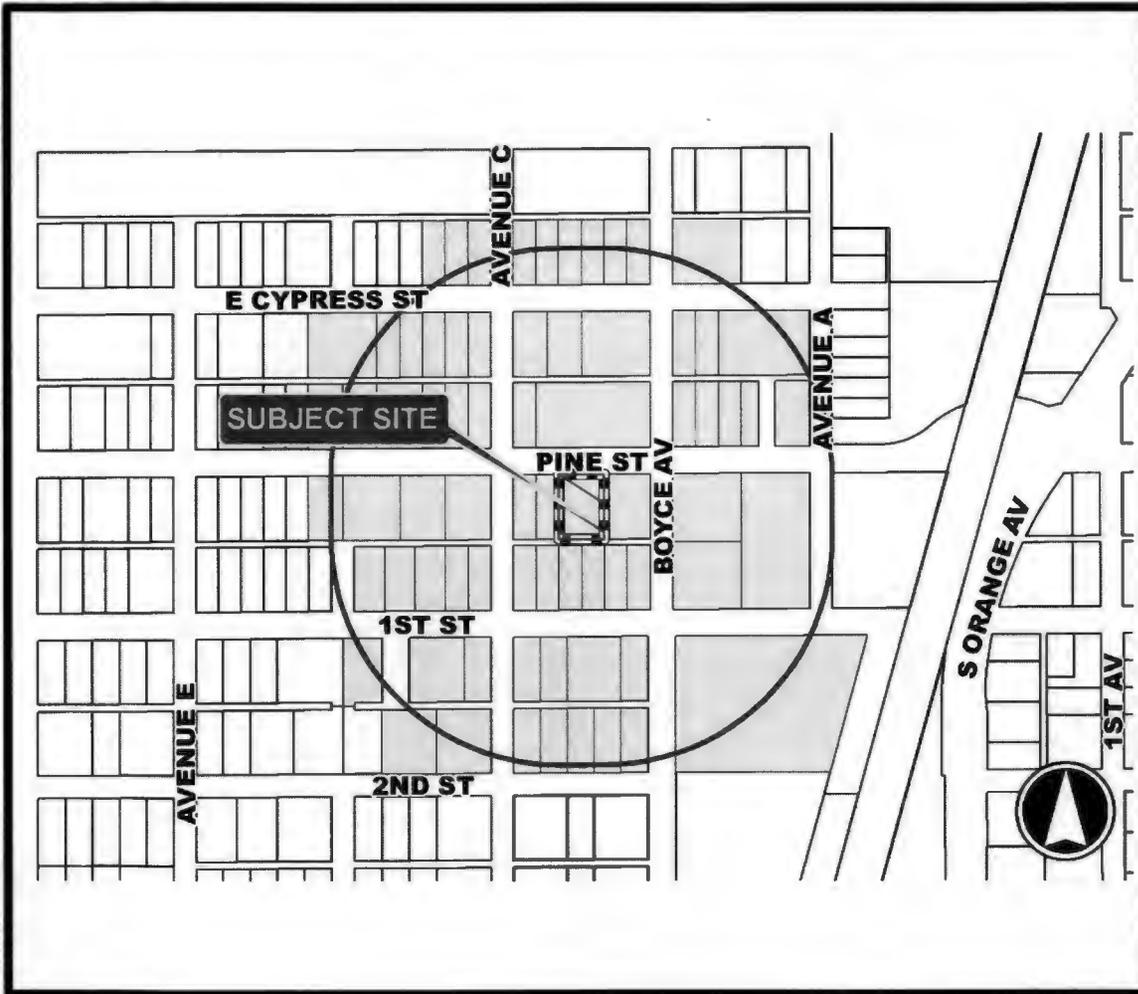


1 inch = 150 feet



# Public Notification Map

420 Pine Street\_RZ-19-07-022  
500 FT BUFFER, 90 NOTICES



1 inch = 333 feet

### MAP LEGEND

-  SUBJECT
-  500\_FT\_BUFFER
-  NOTIFIED\_PARCELS
-  PARCELS



## Notification Map

Case # RZ-19-07-022  
Orange County Planning Division  
PZC Hearing Date: July 18, 2019

**CASE # RZ-19-07-023**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Nazem Sarkis, I.T.I.G., Inc.
<b>OWNER</b>	I.T.I.G., Inc.
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	C-1 (Retail Commercial District) to C-2 (General Commercial District)
<b>LOCATION</b>	7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue
<b>PARCEL ID NUMBER</b>	25-23-29-0000-00-013
<b>TRACT SIZE</b>	0.81-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred and four (204) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Permitted C-2 uses

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:**

- 1) The following C-2 zoning district uses shall be prohibited:
  - a. New and Used Automobile Dealers;
  - b. Portable food and drink vendors;
  - c. Open Air Markets; and
  - d. Automotive Repair, Auto Painting, and Body Shops
- 2) New billboards and pole signs shall be prohibited; and

- 3) 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 C-2 uses.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed C-2 (General Commercial District) zoning, subject to the recommended restrictions, 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 proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

**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.

**FLU8.2.11** 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.

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**SITE DATA**

<b>Existing Use</b>	Gas Station with Car Wash
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) (1966) E: C-2 (General Commercial District) (2003) W: I-1/I-5 (Industrial District) (1965) S: C-2 (General Commercial District) (2003) <i>*No restrictions placed on the zoning districts above</i>
<b>Adjacent Land Uses</b>	N: Gas Station E: Access Road W: Warehousing, Industrial Manufacturing S: Restaurant

**C-2 (General Commercial District) Development Standards**

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.

**Building Setbacks**

Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

**Intent, Purpose, and Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue within the Pine Castle neighborhood. Today, the property is developed with and operates a gas station with associated car wash. The surrounding area is comprised of varying levels of commercial development along the S. Orange Avenue corridor and single-family detached development to the east along the Nela Avenue corridor.

The applicant has applied to rezone the property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for the development and operation of permitted C-2 uses in order to create better marketability of the subject property. No single use has been proposed by the applicant.

### **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.

### **Community Meeting Summary**

A community meeting was not required for this request.

### **Rural Settlement**

This property is not within a Rural Settlement.

### **Joint Planning Area (JPA)**

This property is not located within a JPA.

### **Overlay District Ordinance**

This property is within the South Orange Avenue Corridor Overlay District. This overlay district prohibits the following uses:

- a. Labor pools and labor halls, as defined by F.S. § 448.22(1) and (3), respectively;
- b. Any business in which a material part of its services include loans secured by vehicle titles (often known as "car-title loans"), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders;

- c. Any business commonly known as “check cashing,” or any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans,” or “pay day advances”, but not including retail businesses which provide a check cashing service as an incidental part of their businesses and financial institutions such as banks, credit unions, and trust companies;
- d. Tattoo, body art, or body piercing businesses;
- e. Pawnshops, as defined by F.S. § 539.001(2)(1);
- f. Bail bond agencies, as defined by F.S. § 648.25(1);
- g. Flea markets, except for those operating in conjunction with not-for-profit functions
- h. Fortune tellers, tarot card readers, palm readers, psychics, and similar businesses; and
- i. Bottle Clubs

Relatedly, this property is located within the proposed Pine Castle Overlay District. This proposed district will regulate the form of development within Pine Castle, as well as the permitted and prohibited uses. The proposed prohibited uses are as follows:

- a. Bars and lounges with no food service;
- b. Used Automobile Sales;
- c. Bottle Clubs;
- d. Bail bond agencies, as defined by F.S. § 648.25(1);
- e. Labor pools and labor halls, as defined by F.S. § 448.22(1) and (3), respectively;
- f. Any business in which a material part of its services include loans secured by vehicle titles (often known as “car-title loans”), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders;
- g. Any business commonly known as “check cashing,” or any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans,” or “pay day advances”, but not including retail businesses which provide a check cashing service as an incidental part of their businesses and financial institutions such as banks, credit unions, and trust companies; and
- h. Pawnshops, as defined by F.S. § 539.001(2)(1).

If the Pine Castle Overlay District is approved, the South Orange Avenue Corridor Overlay District will be concurrently rescinded.

**Airport Noise Zone**

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

**Environmental**

The site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-770, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area (AMA). A mobility analysis may be required at time of development.

**Code Enforcement**

There are no active Code Enforcement violations, liens, or hearings for the subject property.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	8-inch gravity main within the Nela Avenue right-of-way
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 18, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:**

- 1) The following C-2 zoning district uses shall be prohibited:
  - a. New and Used Automobile Dealers;
  - b. Portable food and drink vendors;
  - c. Open Air Markets; and
  - d. Automotive Repair, Auto Painting, and Body Shops
- 2) New billboards and pole signs shall be prohibited; and
- 3) 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 C-2 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 C-2 (General Commercial District) zoning, subject to three (3) restrictions.

Staff indicated that two hundred and four (204) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with one (1) commentary received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and concurred with the majority of staff's recommendation, but did not agree with the proposed restriction to prohibit the use of new and used automobile sales. Two members of the public were present to speak on this request and raised concerns of the visual appearance of the site as it related to the gateway to Belle Isle, and concerns with C-2 uses.

After a brief discussion regarding the proposed development of the property, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-2 (General Commercial District) zoning. Commissioner Wade seconded the motion, which then carried on a 8-0 vote.

**Motion / Second**

*Gordon Spears / JaJa Wade*

**Voting in Favor**

*Gordon Spears, JaJa Wade, Jose Cantero, Yog Melwani, Jimmy Dunn, Diane Velazquez, Yog Melwani, Carlos Nazario*

**Voting in Opposition**

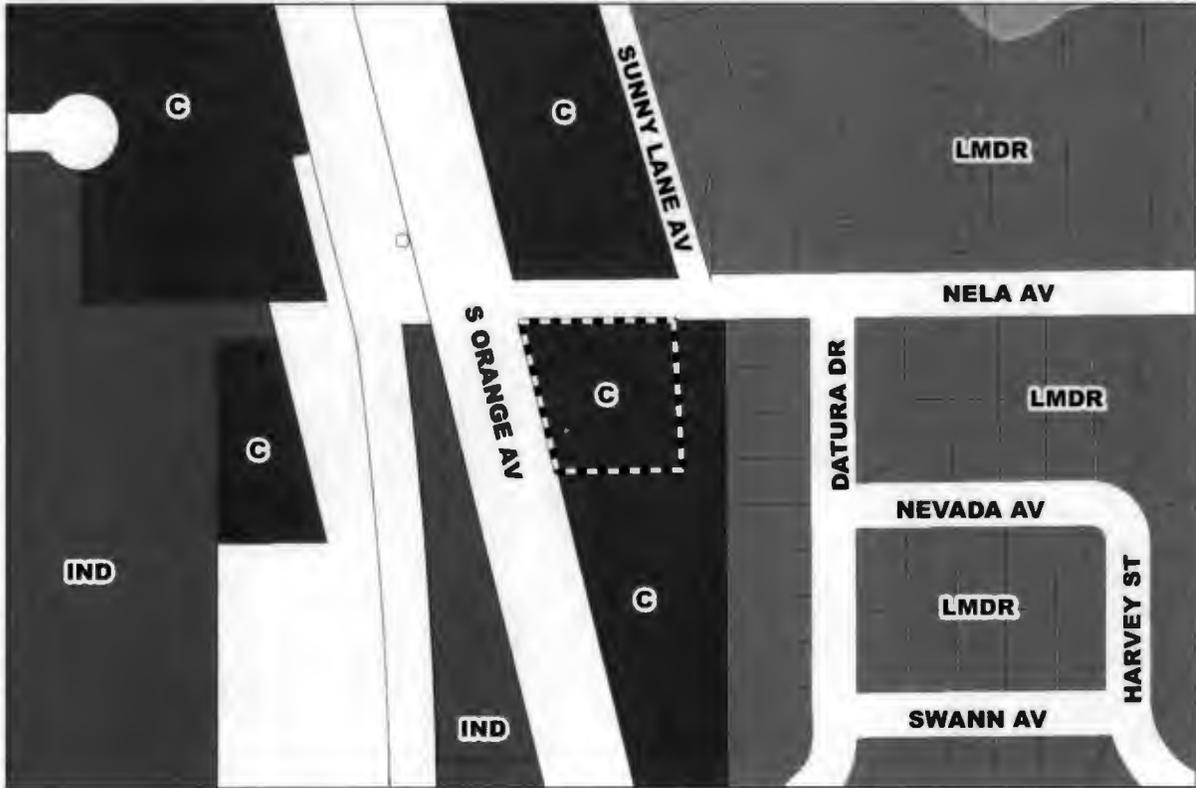
*None*

**Absent**

*Eddie Fernandez*

*(Eddie Fernandez entered late and recused himself from the vote.)*

RZ-19-07-023



 Subject Property



★ Subject Property

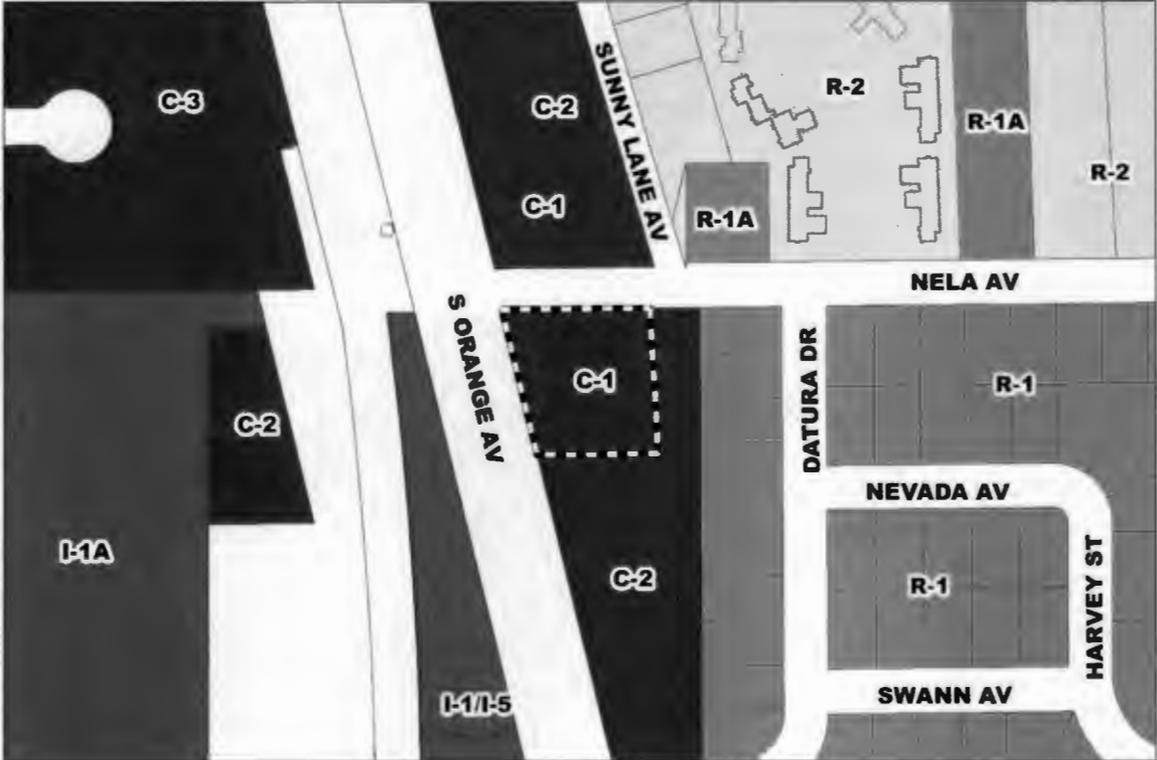
**Future Land Use Map**

**FLUM:** Commercial (C)  
**APPLICANT:** Nazem Sarkis, I.T.I.G., Inc.  
**LOCATION:** 7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue  
**TRACT SIZE:** 0.81-gross acre  
**DISTRICT:** # 3  
**S/T/R:** 25/23/29

1 inch = 200 feet



RZ-19-07-023



Subject Property



Subject Property

**Zoning Map**

**ZONING:** C-1 (Retail Commercial District) to  
 C-2 (General Commercial District)

**APPLICANT:** Nazem Sarkis, I.T.I.G., Inc.

**LOCATION:** 7105 S. Orange Avenue, or generally  
 located at the southeast corner of the  
 intersection of S. Orange Avenue and Nela  
 Avenue

**TRACT SIZE:** 0.81-gross acre

**DISTRICT:** # 3

**S/T/R:** 25/23/29

1 inch = 200 feet



RZ-19-07-023



 Subject Property



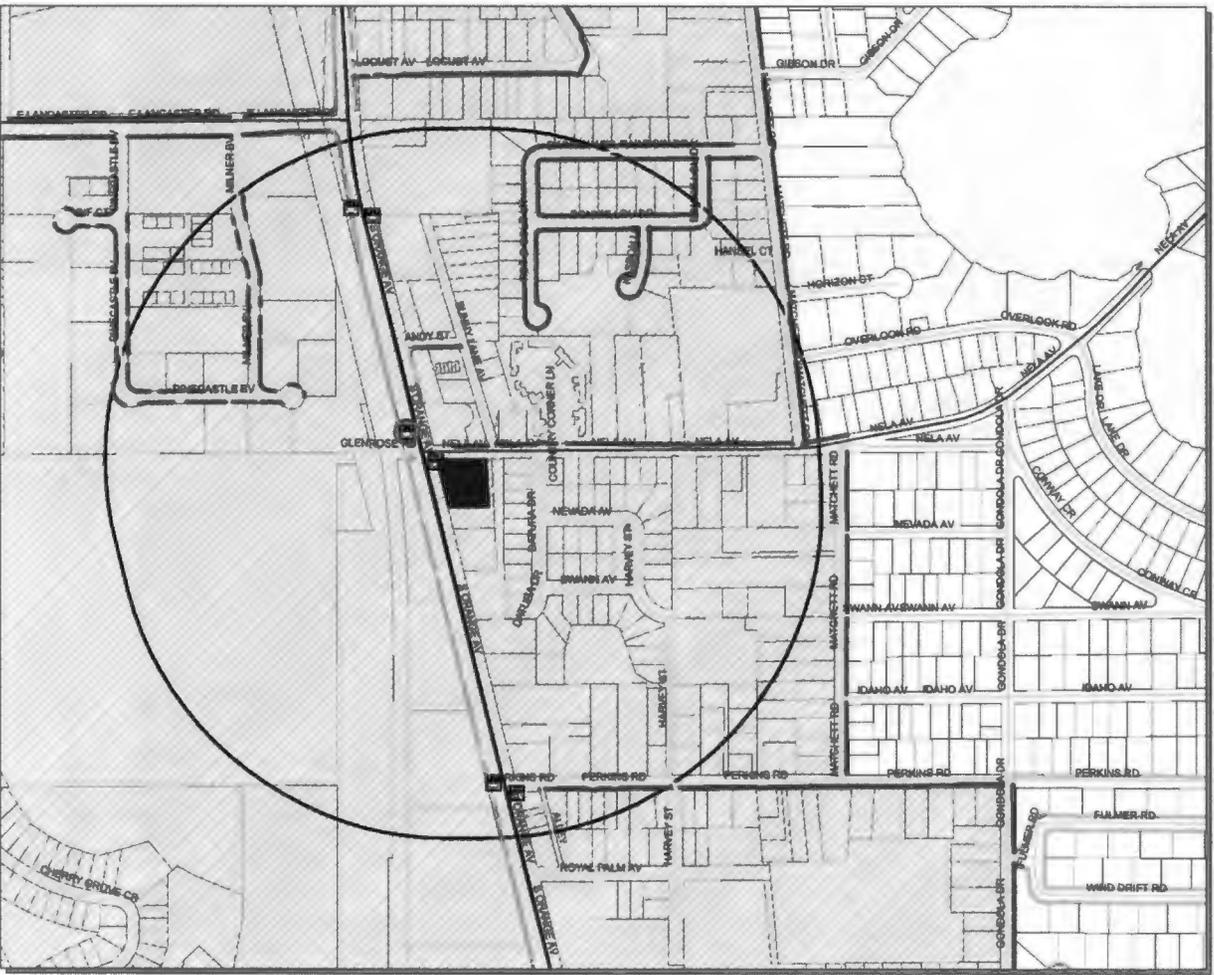
1 inch = 150 feet

**Alternative Mobility Area Context Map**

**RZ-19-07-023**  
**25-23-29-0000-00-013**  
**Rezone from C-1 to C-2**

**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA\_PARCELS\_Buffer190
- County Boundary
- Parcels



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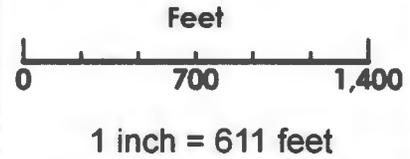
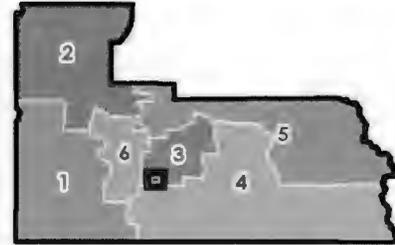
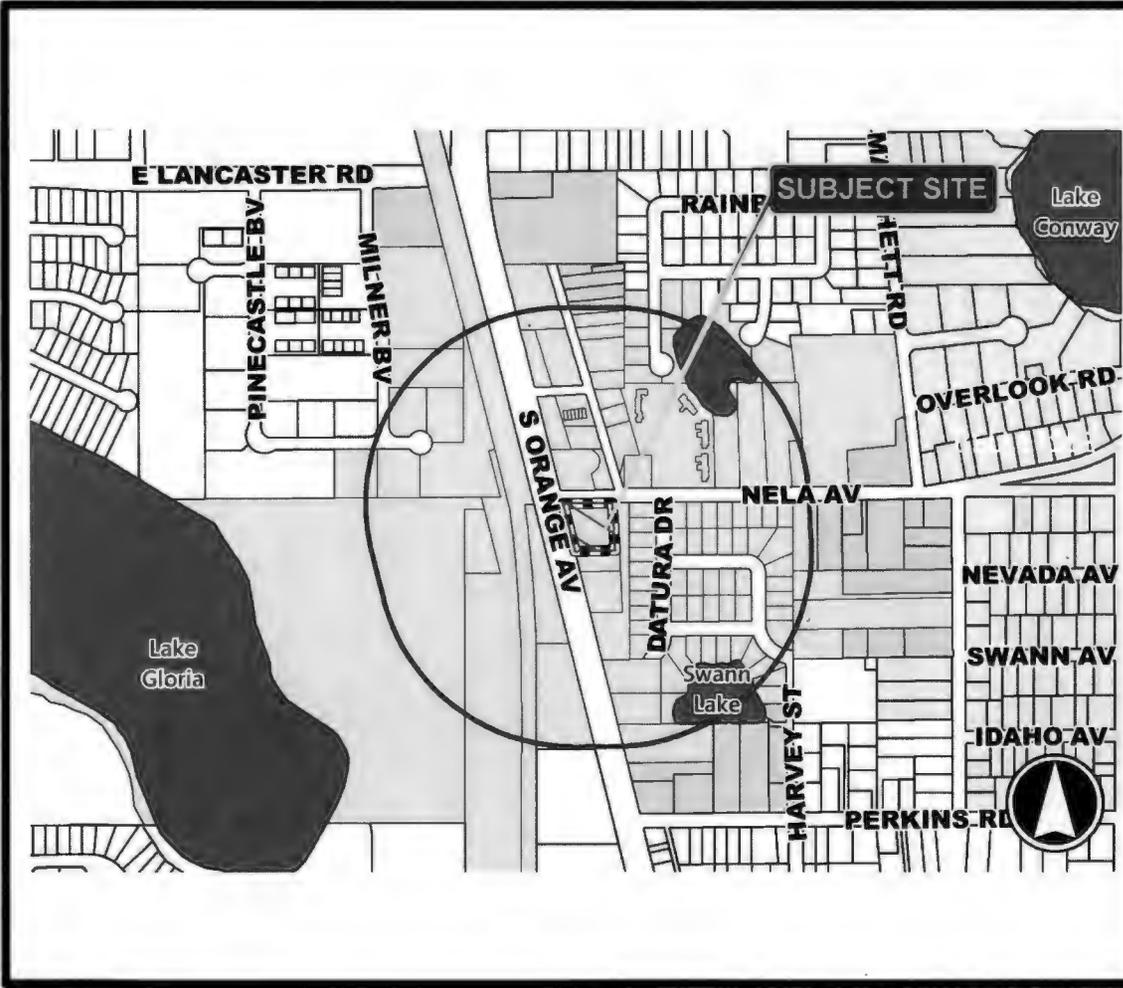


# Public Notification Map

RZ-19-07-023

800 FT BUFFER, 204 NOTICES

[ Residential Count: 105 ]



### MAP LEGEND

-  SUBJECT
-  800\_FT\_BUFFER
-  HYDROLOGY
-  NOTIFIED\_PARCELS
-  COURTESY NOTICES
-  PARCELS
-  Belle Isle

## Notification Map

Orange County Planning Division  
PZC Hearing Date: July 18, 2019

Case # RZ-19-07-023

**CASE # RZ-19-07-025**

Commission District: 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Victor Norberg and Beverly Norberg
<b>OWNERS</b>	Victor Group, Inc.
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-1</b> (Retail Commercial District) to <b>C-2</b> (General Commercial District)
<b>LOCATION</b>	5605 Hansel Avenue, or generally located on the east side of Hansel Avenue, five hundred feet north of Hoffner Avenue.
<b>PARCEL ID NUMBER</b>	24-23-29-1688-05-010
<b>TRACT SIZE</b>	0.43-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-one (171) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Outdoor Storage and Display Ancillary to a Professional Office Use

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.**

**ALTERNATIVE RECOMMENDATION**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:**

- 1) Uses shall be restricted to C-1 uses and the C-2 use of Outdoor Storage and Display. The Outdoor Storage and Display use shall be ancillary to a permitted C-1 use; and
- 2) The Outdoor Storage use shall be completely enclosed by a minimum six (6) foot high opaque fence or wall; and
- 3) New billboards and pole signs shall be prohibited; and
- 4) 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 C-2 uses.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The C-2 (General Commercial District) zoning would not allow for development that is compatible with the character of the surrounding area and may 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 proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, but is not compatible with the following Comprehensive Plan provisions:

**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.

**FLU8.2.11** 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**

<b>Existing Use</b>	Professional Office
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) (1963) E: R-3 (Multiple-Family Dwelling District) (1963) R-1A (Single-Family Dwelling District) (1957) C-1 (Retail Commercial District) (1977) W: C-1 (Retail Commercial District) ( <i>City of Edgewood</i> ) S: C-1 (Retail Commercial District) (1977)
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Single-Family Dwelling Unit / Retention Pond W: Undeveloped Land S: Professional Office

### **C-2 (General Commercial District) Development Standards**

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.

#### **Building Setbacks**

Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

### **Intent, Purpose, and Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is

only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 5605 Hansel Avenue, or generally located on the east side of Hansel Avenue, five hundred feet north of Hoffner Avenue. The surrounding area is developed with single-family dwelling units to the east, developed and undeveloped commercial parcels to the north and south along Hansel Avenue, and varying levels of commercial development to the west within the City of Edgewood between Hansel Avenue and S. Orange Avenue.

The subject property is currently operating as an office for a pool and spa company. Exterior to the office building, the applicant has constructed several outdoor areas as display examples for clients, which include pavers, pergolas, outdoor kitchens, and fire pits. The applicant also receives construction materials at the subject property. These materials are stored on site prior to being transported to the project site. This has resulted in a Code Enforcement violation for outdoor storage and display in C-1 (Retail Commercial District) zoning.

The applicant has applied to rezone the property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for the outdoor storage and display of merchandise on the property in an attempt to rectify the outstanding Code Enforcement violation.

### **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.

**Community Meeting Summary**

A community meeting was not required for this request.

**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**

Orange County Environmental Protection Division staff reviewed the rezoning request, but did not identify any issues or concerns.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area and is not subject to concurrency requirements. However, a mobility analysis may be required at time of development.

**Code Enforcement**

There is one (1) active Code Enforcement violation on this site. Incident 542550 has cited the property for the outdoor storage of merchandise, an unpermitted vinyl fence, and an unpermitted structures. Pursuant to the incident file, permit applications have been filed for the unpermitted fence and structures. The remaining use violation would be resolved upon approval of this request.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater: within	Orange County Utilities	16-inch and 4-inch forcemain Hansel right-of-way
Reclaim Water:	Orange County Utilities	Not currently 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 reviewed this request, but did not provide any objections or comments.

**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 18, 2019)**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial 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 inconsistency with the Comprehensive Plan and recommend denial of the requested C-2 (General Commercial District) zoning.

Staff indicated that one hundred seventy-one (171) notices were mailed to surrounding property owners within a buffer of 800 feet from the subject property, with six (6) commentaries received in opposition to the request and zero (0) in favor. The applicant was present for the hearing and disagreed with staff's recommendation. There were four (4) members of the public who spoke in opposition to the request, noting no C-2 zoning is present in the area and citing conflicts between the commercial property and residential activities.

After a discussion regarding the history of the property, site access, and the outstanding code enforcement issues, a motion was made by Commissioner Fernandez to find the request to be inconsistent with the Comprehensive Plan and recommend DENIAL of the C-2 (General Commercial District) zoning. Commissioner Dunn seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Eddie Fernandez / Jimmy Dunn*

**Voting in Favor**

*Eddie Fernandez, Jimmy Dunn, Jose Cantero, JaJa Wade, Yog Melwani, Diane Velazquez, Carlos Nazario, Mohammed Abdallah, and Gordon Spears*

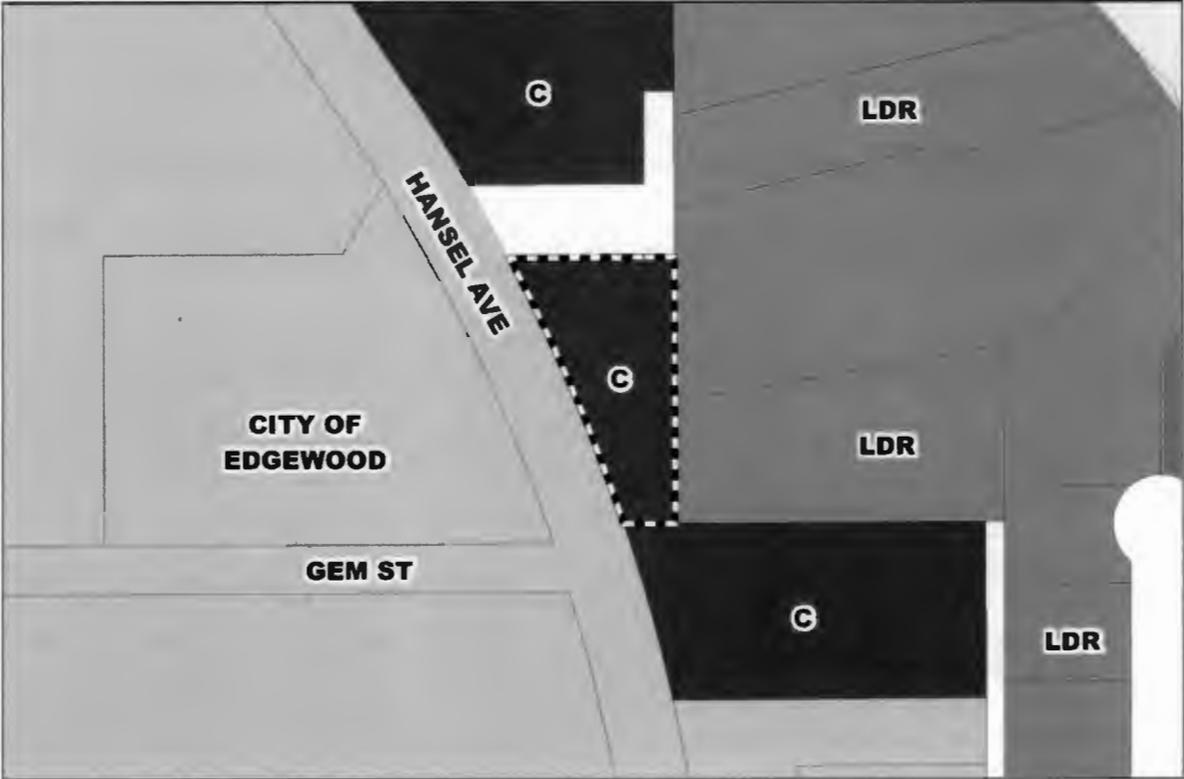
**Voting in Opposition**

*None*

**Absent**

*None*

RZ-19-07-025



 Subject Property

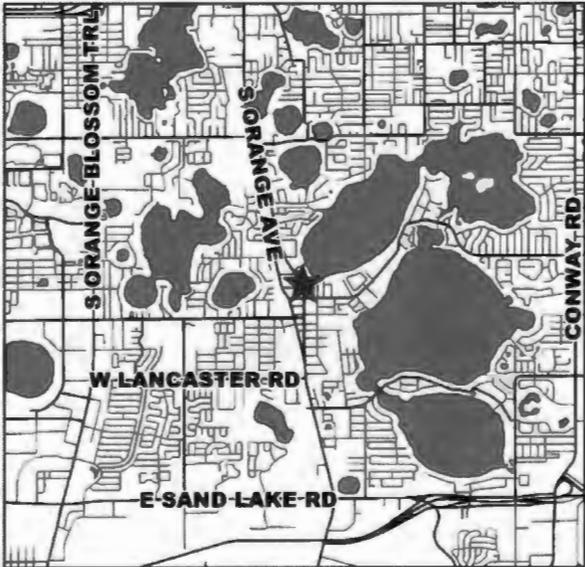


 Subject Property

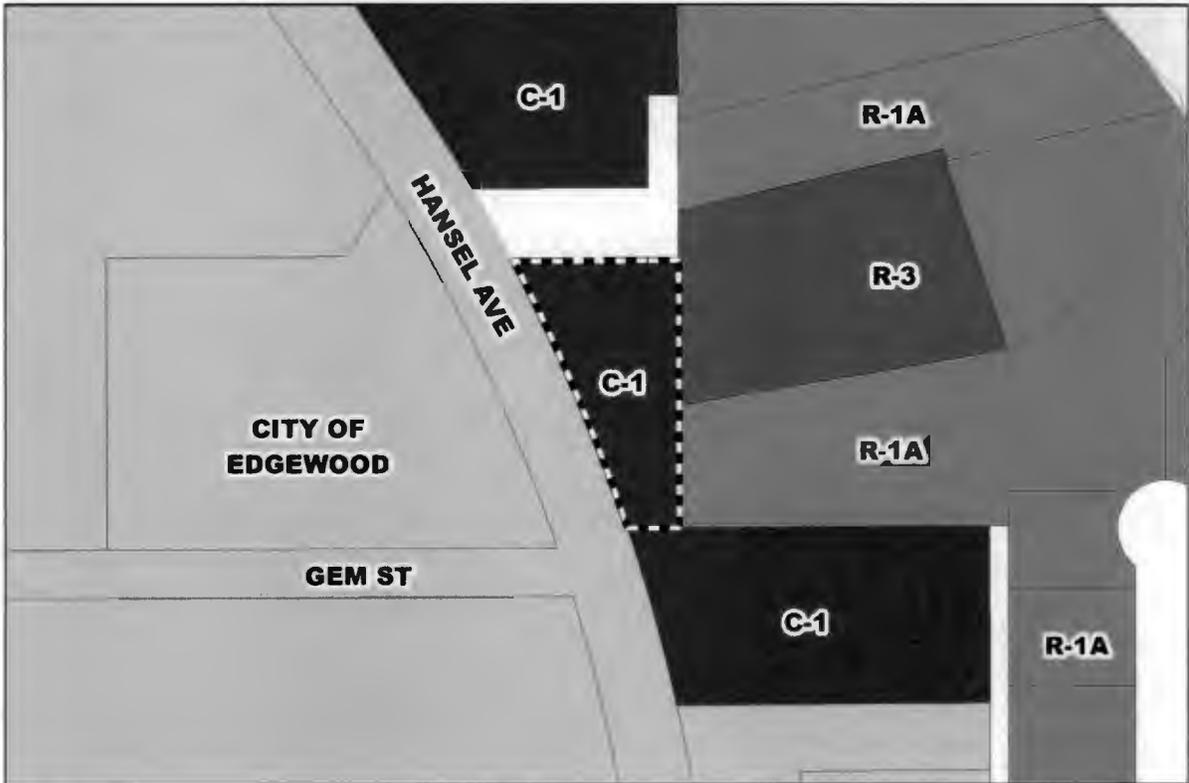
**Future Land Use Map**

FLUM: Commercial (C)  
APPLICANT: Victor Norberg and Beverly Norberg  
LOCATION: 5605 Hansel Avenue, or generally located on the east side of Hansel Avenue, five hundred feet north of Hoffner Avenue.  
TRACT SIZE: 0.43 gross acre  
DISTRICT: # 3  
S/T/R: 24/23/29

1 inch = 125 feet



RZ-19-07-025



 Subject Property



★ Subject Property

**Zoning Map**

**ZONING:** C-1 (Retail Commercial District) to C-2 (General Commercial District) (Rest.)

**APPLICANT:** Victor Norberg and Beverly Norberg

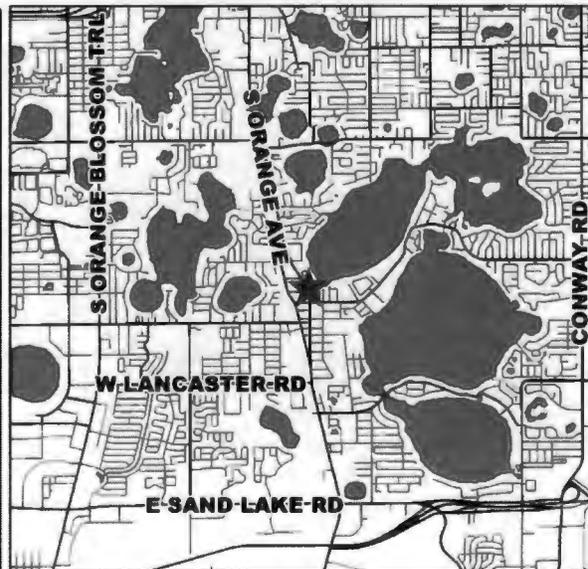
**LOCATION:** 5605 Hansel Avenue, or generally located on the east side of Hansel Avenue, five hundred feet north of Hoffner Avenue.

**TRACT SIZE:** 0.43 gross acre

**DISTRICT:** # 3

**S/T/R:** 24/23/29

1 inch = 125 feet



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 Subject Property



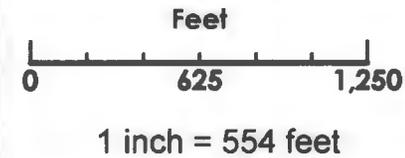
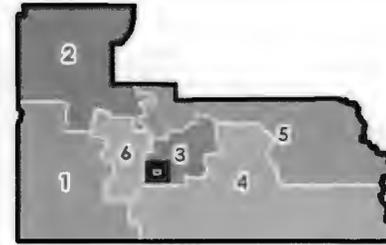
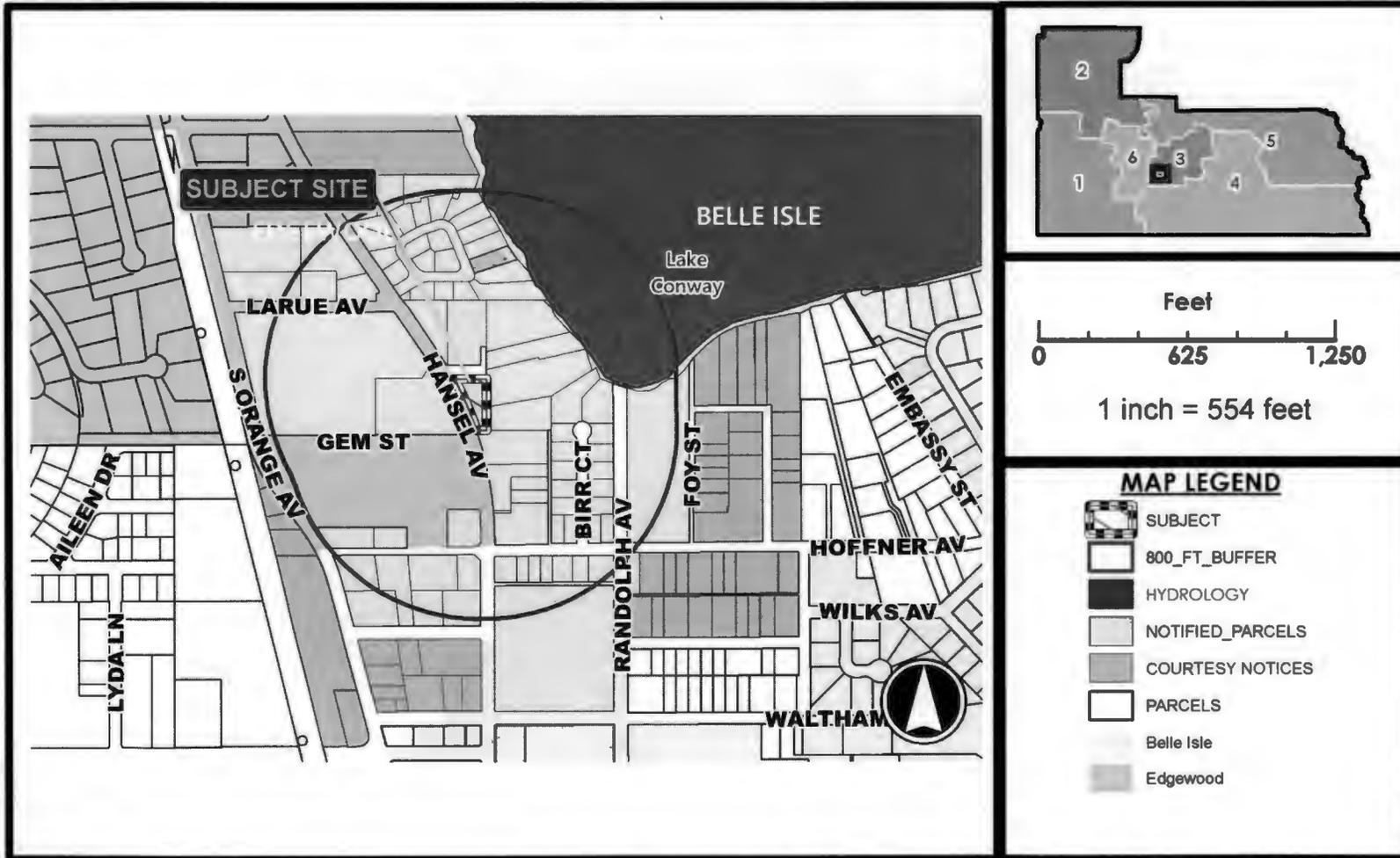
1 inch = 125 feet



# Public Notification Map

RZ-19-07-025

800 FT BUFFER, 171 NOTICES



### MAP LEGEND

-  SUBJECT
-  800\_FT\_BUFFER
-  HYDROLOGY
-  NOTIFIED\_PARCELS
-  COURTESY NOTICES
-  PARCELS
-  Belle Isle
-  Edgewood

Alternative Mobility Area Context Map

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 Orange County Planning Division  
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 24-23-29-1688-05-010

**Legend**

-  LYNX Bus Stops
-  LYNX Bus Stop Shelters
-  LYNX Park And Ride
-  LYNX Bus Route Schedule
-  Major Streets
-  Roads Base
-  Segment\_ID
-  City Sidewalk
-  County Sidewalk
-  Private Sidewalk
-  State Sidewalk
-  Major Streets
-  Streets
-  PA\_PARCELS\_Buffer195
-  County Boundary
-  Parcels



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*Case Planner:*  
Nicolas Thalmueller

**Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: July 18, 2019**

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