



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

JUNE 20, 2019



PREPARED BY:
ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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I. REZONING PUBLIC HEARINGS					
RZ-19-05-009 Jeremy Anderson	<i>R-1A to R-2</i>	3	Approval with two (2) restrictions and one (1) variance	Approval with two (2) restrictions and one (1) variance	No
RZ-19-06-012 Iv Simaku	<i>A-2 to R-1</i>	3	Approval	Approval	No
RZ-19-06-013 Jaiver Borjas Barcenas and Milena E. Portillo	<i>R-3 to P-O</i>	3	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-19-06-015 James R. Morrison	<i>C-1 to C-2</i>	5	Denial	Denial	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake 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 ^h	30 ^h	7.5	35	a
R-1A	7,500	1,200	75	20 ^h	25 ^h	7.5	35	a
R-1	5,000	1,000	50	20 ^h	20 ^h	5 ^h	35	a
R-2	One-family dwelling, 4,500	1,000	45 ^c	20 ^h	20 ^h	5 ^h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 ^d	20 ^h	30	5 ^h	35	a
	Three DUs, 11,250	500 per DU	85 ^j	20 ^h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 ^j	20 ^h	30	10 ^b	35	a
R-3	One-family dwelling, 4,500	1,000	45 ^c	20 ^h	20 ^h	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 ^d	20 ^h	20 ^h	5 ^h	35	a
	Three dwelling units, 11,250	500 per DU	85 ^j	20 ^h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 ^j	20 ^h	30	10 ^b	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 ^c	1,000	45	25/20 ^k	25/20 ^k	5	35	a
Mobile home	4,500 ^c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 ^k	25/20 ^k	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (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.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

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

- a** Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- b** Side setback is 30 feet where adjacent to single-family district.
- c** For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- d** For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- e** Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- f** Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- g** Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- h** For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; 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.
- j** Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- k** Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- m** Based on gross square feet.

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

BUFFER YARD REQUIREMENTS

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 # RZ-19-05-009

Commission District: #3

GENERAL INFORMATION

APPLICANT	Jeremy Anderson, 2712 Alamo Dr, LLC
OWNER	Shelly Tosh Hughes
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street.
PARCEL ID NUMBER	03-23-29-0180-57-040
TRACT SIZE	0.54-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-four (164) notices were mailed to those property owners in the mailing area. A community meeting was required for this application and is detailed on Page 5.
PROPOSED USE	Two (2) single-family detached dwellings or duplexes (<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, subject to the following restrictions and variance:

Restrictions

- 1) The subject property shall be limited to two (2) single-family detached dwellings, duplexes, or a combination thereof, pending an approved lot split; and
- 2) Each lot shall have a minimum lot width of 60 feet.

Variance

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 60 feet, in lieu of the required 80-foot lot width in the R-2 zoning district for attached two-dwelling unit structures (duplexes).

IMPACT ANALYSIS

Land Use Compatibility

The requested R-2 (Residential District) zoning district, subject to the proposed 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 Low-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning, subject to the proposed restrictions, is consistent with the Low-Medium Density Residential 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

Existing Use	Single-Family Detached Dwelling
Adjacent Zoning	N: C-2 (General Commercial District) (1979) E: R-1A (Single-Family Dwelling District) (1957) W: C-2 (General Commercial District) (1979) R-2 (Residential District) (1983) S: R-1A (Single-Family Dwelling District) (1957) <i>*No restrictions placed on the zoning districts above.</i>
Adjacent Land Uses	N: Hair Salon E: Single-Family Dwelling W: Duplex, Auto Repair S: Single-Family Dwelling

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.
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 2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed in 1947.

The subject parcel was originally platted as two 60' x 177' lots and a 20' portion of the vacated Alamo Drive right-of-way within the Angebuilt Addition subdivision. The plat for the Angebuilt Addition Subdivision was recorded on June 15, 1923. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units on 60' wide lots or larger, as well as duplexes, triplexes, and apartments located near W. Michigan Avenue. The portion of the subdivision along W. Michigan Avenue is developed with varying intensities of commercial uses.

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 develop two (2) single-family dwellings or duplexes, or a combination thereof, subject to the approval of a lot split.

The applicant is also requesting a variance to reduce the required lot width for a duplex to 60 feet, in lieu of the required 80 feet, in order to allow for the construction of a duplex on the originally platted 60' lot(s).

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 held on May 16, 2019 at Memorial Middle School. Excluding the applicant and various Orange County staff, 35 residents were in attendance. Community residents were vocally opposed to the applicants initial request of the construction of a four (4) unit attached multi-family dwelling building (quadraplex). The community stated concerns with setting the president for additional rezonings in the neighborhood, impacts to Lake Holden and traffic, the scale of development compared to the existing development within the neighborhood, the

potential kinds of tenants living within the quadraplex, and impacts on surrounding property values.

After the community meeting, the applicant revised their request to restrict the development of the property to two (2) single-family homes or duplexes, or a combination thereof.

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 refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Prior to demolition/construction activities, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD).

This property is located near existing industrial uses including concrete plants and a scrap metal recycling site.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes of transportation within the project area:

- LYNX bus links:
 - #40 Americana Blvd/Universal Orlando;
 - #300 LYNX 3D Downtown Orlando/Hotel Plaza;
 - #38 Downtown Orlando/International Drive;
 - #441 FastLYNX 441; and
 - #50 Downtown Orlando/Magic Kingdom.

There are two bus stops within the project area.

Code Enforcement

There are two (2) active Code Enforcement cases on the subject property. The first case is filed under Incident #543297, which relates to the condition of the house, as there is paint chipping, broken windows, and roof despair. The second case is filed under Incident #535135, which is related to the property having high grass and weeds.

As of this staff report, all violations are outstanding. A Code Enforcement Board hearing has not been set for either of these violations. The rezoning of this property will not have any bearing on the outcome of these violations.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	Not available
Reclaim Water:	Orange County Utilities	Not 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 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 – (June 20, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the following restrictions and variance:

Restrictions

- 1) The subject property shall be limited to two (2) single-family detached dwellings, duplexes, or a combination thereof, pending an approved lot split; and
- 2) Each lot shall have a minimum lot width of 60 feet.

Variance

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 60 feet, in lieu of the required 80-foot lot width in the R-2 zoning district for attached two-dwelling unit structures (duplexes).

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, subject to two (2) restrictions and one (1) variance.

Staff indicated that one hundred sixty-four (164) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with zero (0) commentaries received in favor and ten (10) received in opposition of the request. The applicant was present for the hearing and concurred with staff's recommendation. Four (4) members of the public were present and all spoke in opposition to the request.

After a brief discussion regarding hearing notification and compatability with the neighborhood, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-2 (Residential District) zoning, subject to two (2) restrictions and one (1) variance. Commissioner Spears seconded the motion, which then carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Gordon Spears

Voting in Favor

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

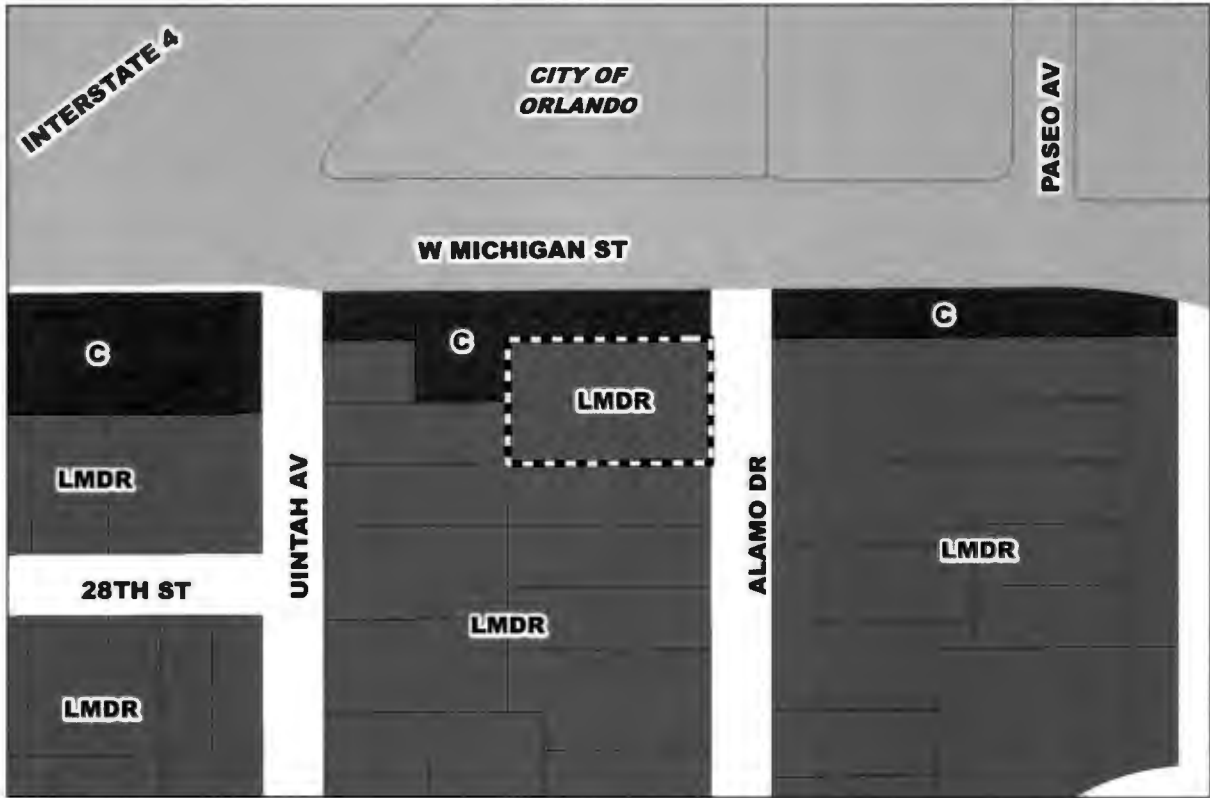
Voting in Oposition

None

Absent

JaJa Wade

RZ-19-05-009



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Jeremy Anderson, 2712 Alamo Dr, LLC

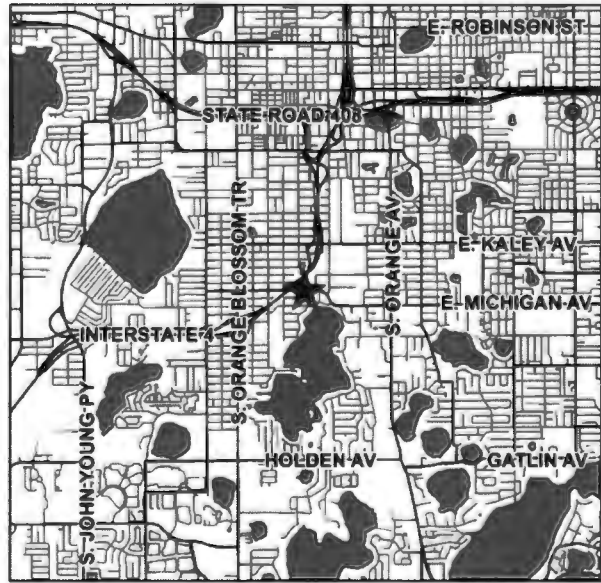
LOCATION: 2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street

TRACT SIZE: 0.54-gross acre

DISTRICT: # 3

S/T/R: 03/23/29

1 inch = 150 feet



RZ-19-05-009



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Jeremy Anderson, 2712 Alamo Dr, LLC

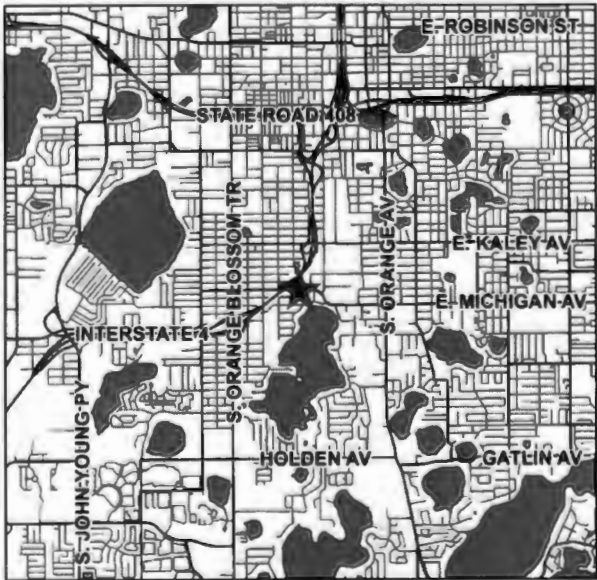
LOCATION: 2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street

TRACT SIZE: 0.54-gross acre

DISTRICT: # 3

S/T/R: 03/23/29

1 inch = 150 feet



RZ-19-05-009



 Subject Property


























1 inch = 100 feet

Alternative Mobility Area Context Map

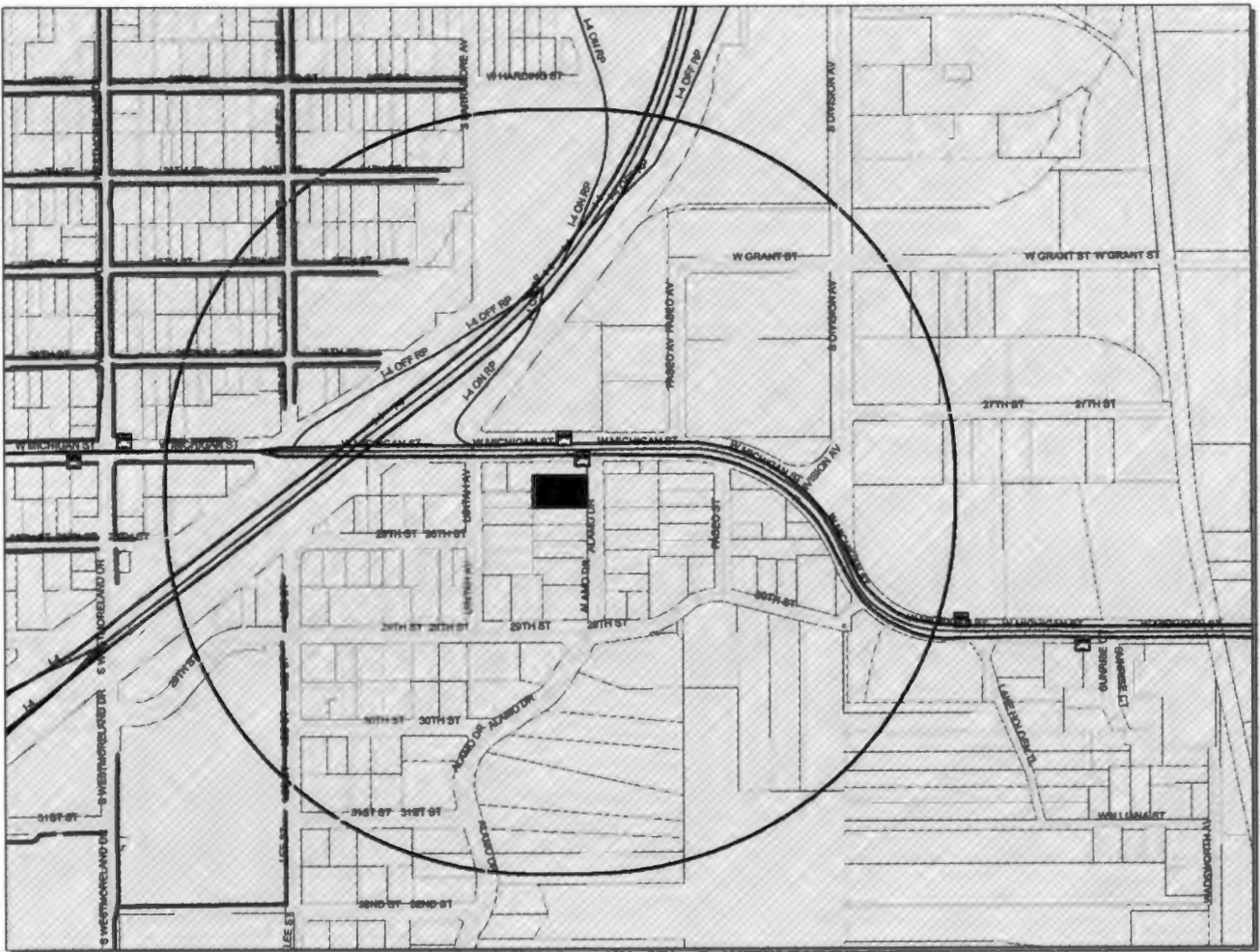
RZ-19-05-009

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_Buffer97
-  Town Center
-  Village F
-  Village H
-  Village I
-  Bridgewater Village
-  Lakeside Village
-  Horizon West Boundary
-  County Boundary
-  Parcels



Date: 4/9/2019



Document Path: U:\GIS\2019.mxd



Public Notification Map

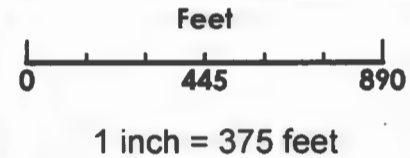
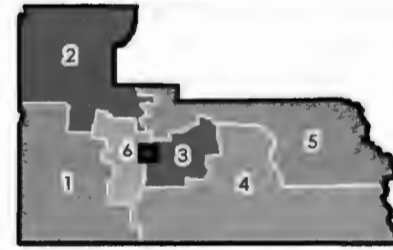
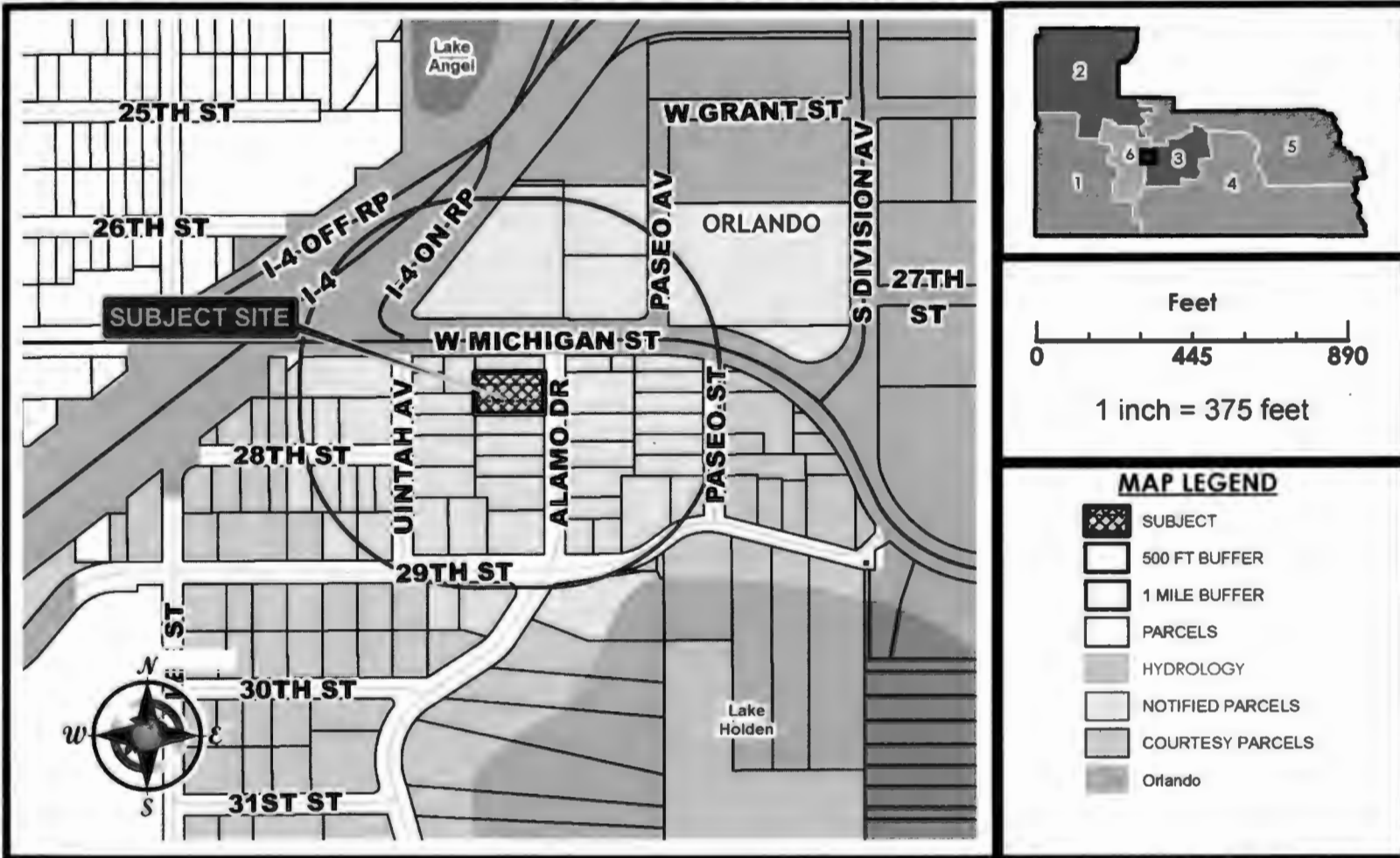
2712 Alamo Drive_RZ-19-05-009

500 FT BUFFER, 164 NOTICES

PZC Recommendation Book

13

June 20, 2019



MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- 1 MILE BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY PARCELS
- Orlando

Notification Map

Case # RZ-19-05-009
 Orange County Planning Division
 PZC Hearing Date: June 20, 2019

CASE # RZ-19-06-012

Commission District: #3

GENERAL INFORMATION

APPLICANT	Iv Simaku
OWNER	Iv Simaku
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	1608 Selma Avenue, or generally located west of Selma Avenue, approximately 465 feet south of E. Colonial Drive.
PARCEL ID NUMBER	19-22-31-2872-02-110
TRACT SIZE	0.15-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-nine (129) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Dwelling Unit

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

SITE DATA

Existing Use	Vacant
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: A-2 (Farmland Rural District) (1957) W: R-1 (Single-Family Dwelling District) (1962) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Mobile Home E: Retention Pond

W: Single-Family Dwelling Unit
S: Single-Family Dwelling Unit

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.

Intent, Purpose, and 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 1608 Selma Avenue, or generally located west of Selma Avenue, approximately 465 feet south of E. Colonial Drive. The property was developed with a single-family home in 1953. This structure has since been demolished. The immediate area is developed with single-family dwelling units with commercial parcels located along the E. Colonial Drive and N. Econlockhatchee Trail corridors.

Through this request, the applicant is seeking to rezone the 0.15 acre property from A-2 (Farmland Rural District) to R-1 (Single-Family Residential District). This would allow the applicant to construct a single-family home with setbacks that are consistent with the character of the area.

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 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

The proposed rezoning to change the setback to build a single-family dwelling unit will generate 1 P.M. peak hour trip. The trip generation of the proposed project does not exceed one (1) percent of the maximum volume at the adopted level of service on affected transportation facilities. The capacity for East Colonial Drive is 3,020 trips and one (1) percent equals thirty (30) p.m. peak trips. This request has been deemed de minimis.

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 Selma right-of-way
Wastewater:	Orange County Utilities	An 8-inch gravity main is located within Selma 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 – (June 20, 2019)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

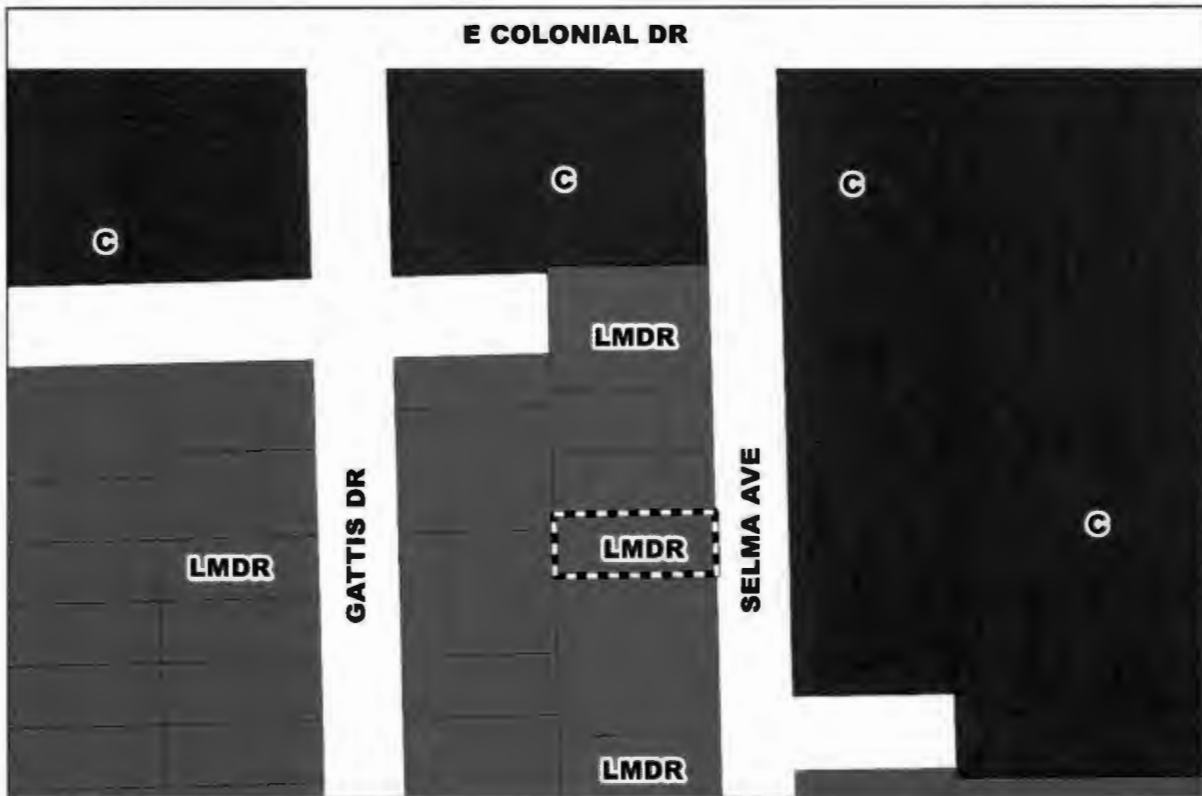
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1 (Single-Family Dwelling District) zoning.

Staff indicated that one hundred twenty-nine (129) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with one (1) commentary 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. There were no members of the public were present for this request.

After limited discussion, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning. Commissioner Dunn seconded the motion, which then carried on a 8-0 vote.

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

RZ-19-06-012



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Iv Simaku

LOCATION: 1608 Selma Avenue, or generally located west of Selma Avenue, approximately 465 feet south of E. Colonial Drive.

TRACT SIZE: 0.15-gross acre

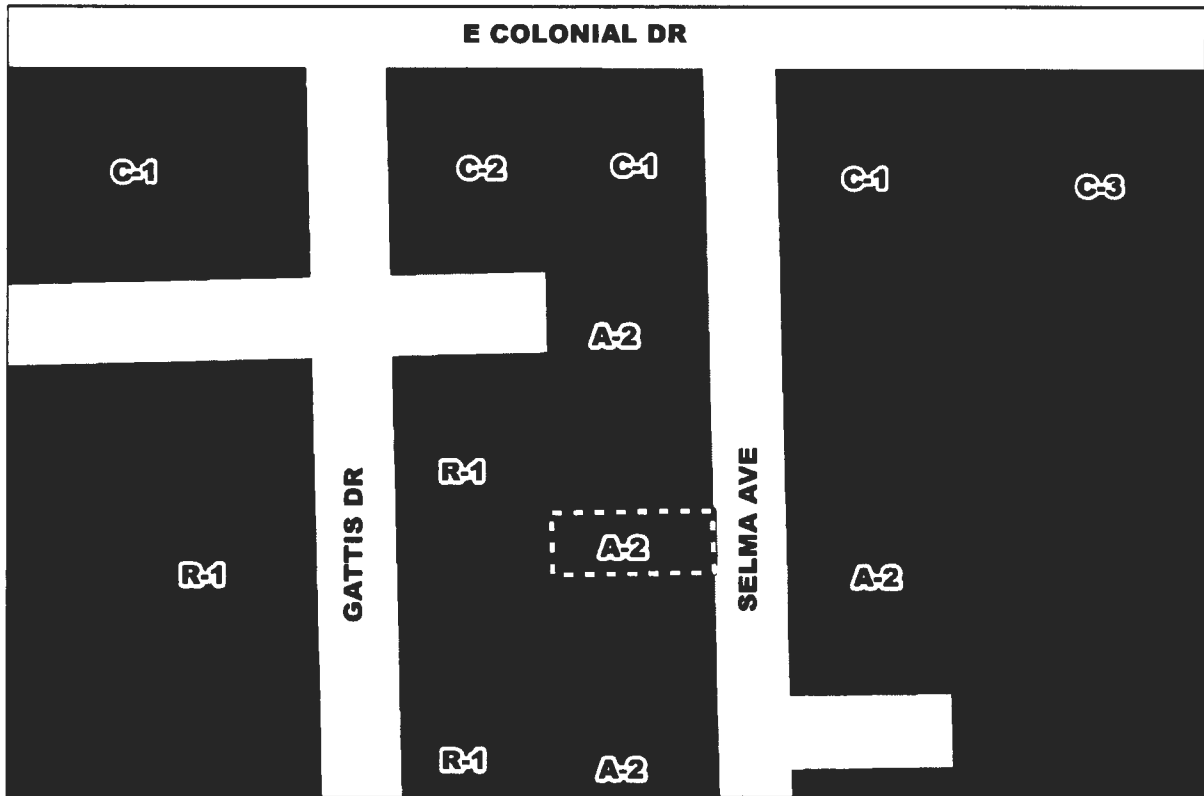
DISTRICT: # 3

S/T/R: 19/22/31

1 inch = 125 feet



RZ-19-06-012



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Iv Simaku

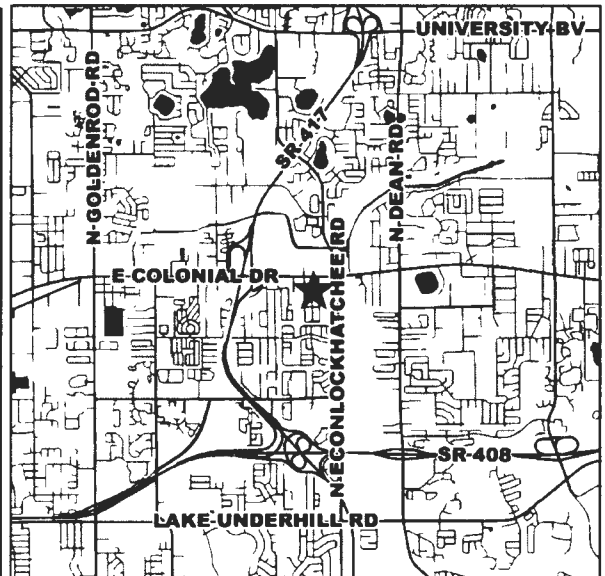
LOCATION: 1608 Selma Avenue, or generally located west of Selma Avenue, approximately 465 feet south of E. Colonial Drive.

TRACT SIZE: 0.15-gross acre

DISTRICT: # 3

S/T/R: 19/22/31

1 inch = 125 feet



RZ-19-06-012



 Subject Property



1 inch = 125 feet



Public Notification Map

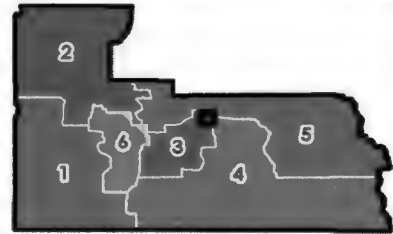
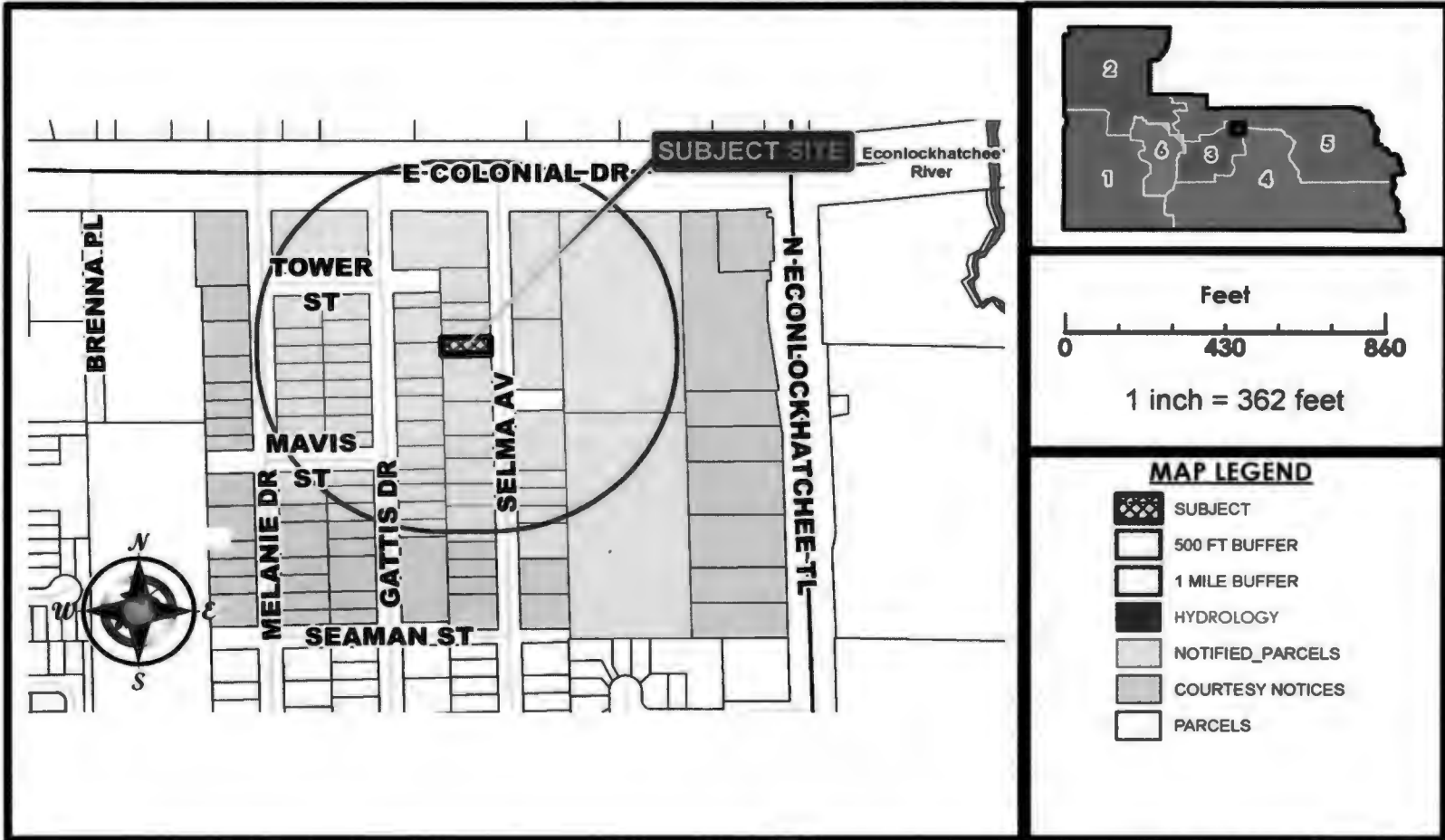
RZ-19-06-012

500 FT BUFFER, 129 NOTICES

PZC Recommendation Book

22

June 20, 2019



1 inch = 362 feet

MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS

Notification Map

Case # RZ-19-06-012
 Orange County Planning Division
 PZC Hearing Date: June 20, 2019

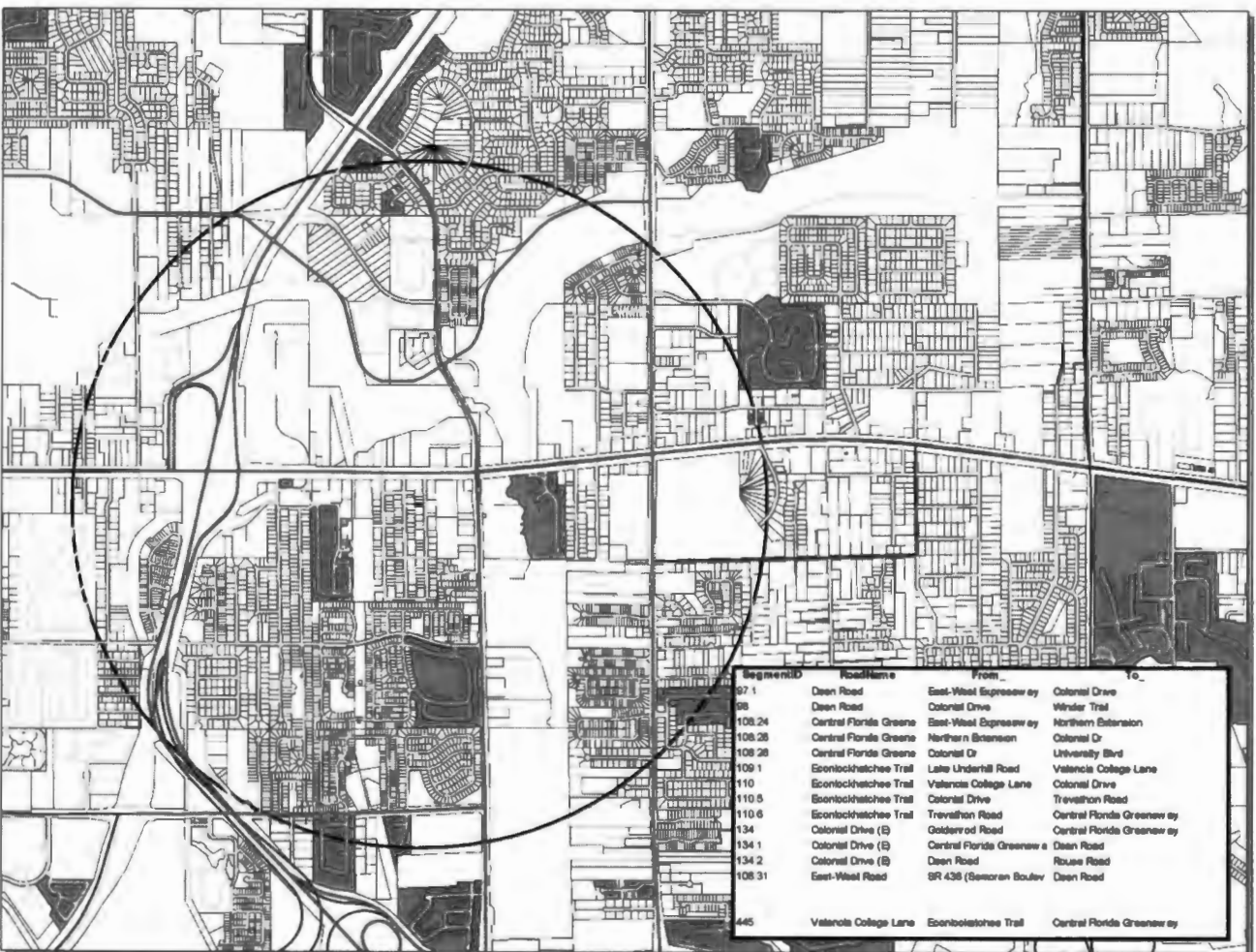
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Alternative Mobility Area Context Map

RZ-19-06-012

Legend

- Major Streets
- Roads Base
- Segment_ID
- Major Streets
- Streets
- PA_PARCELS_Buffer137
- Town Center
- Village F
- Village H
- Village I
- Bridgewater Village
- Lakeside Village
- Horizon West Boundary
- County Boundary
- Parcels



Document Path U:\GIS 2018.mxd

CASE # RZ-19-06-013

Commission District: #3

GENERAL INFORMATION

APPLICANTS	Javier Borjas Barcenas and Milena E. Portillo
OWNERS	Javier Borjas Barcenas and Milena E. Portillo
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District)
LOCATION	594-628 N. Semoran Boulevard; or generally on the west side of N. Semoran Boulevard, approximately 375 feet south of Oleander Drive
PARCEL ID NUMBERS	28-22-30-0000-00-006, 28-22-30-0000-00-007, 28-22-30-0000-00-009, and 28-22-30-0000-00-056
TRACT SIZE	5.12 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-nine (129) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Law Office

STAFF RECOMMENDATION

PLANNING

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

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

IMPACT ANALYSIS

Land Use Compatibility

The P-O (Professional Office District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Office (O). The proposed P-O (Professional Office District) zoning is consistent with the Office 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.

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

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

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

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

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

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility.

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

SITE DATA

Existing Use	Single-Family Dwellings, Undeveloped Land, Lake Barton
Adjacent Zoning	N: P-O (Professional Office District) (1983) E: C-1 (Retail Commercial District) (1957) C-2 (General Commercial District) (1973, 1994) W: C/AN (Conservation / Airport Noise Overlay) (City of Orlando) S: P-O (Professional Office District) (1973, 1978) <i>*No restrictions on the zoning districts listed above</i>
Adjacent Land Uses	N: Tax Office E: Auto Repair W: Lake Barton S: Office Building

P-O (Professional Office District) Development Standards

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.

Building Setbacks:	
<i>Front:</i>	25 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.

Intent, Purpose, and Uses

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

community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

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 594-628 N. Semoran Boulevard; or generally on the west side of N. Semoran Boulevard, approximately 375 feet south of Oleander Drive. The subject property is developed with two (2) single-family dwellings that were constructed in 1947 and 1948. The surrounding area is comprised of varying levels of commercial and office development along the Semoran Boulevard corridor.

The applicant has applied to rezone the property from R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District) to allow for the development of a law office or other P-O zoning district uses. The existing structures on the subject property are planned to be demolished in order to accommodate this development.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Office (O) 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 just property is not located within a JPA.

Overlay District Ordinance

The subject property is located within the State Road 436 / State Road 50 Corridor Overlay District. This overlay district prohibits certain uses from operating within the corridor. The proposed use is not prohibited within this overlay.

Airport Noise Zone

The subject property is located within Airport Noise Zone "C". The proposed use is not subject to the requirements of the Airport Noise Zone.

Environmental

Wetlands and a portion of Lake Barton are located on this site. Prior to issuance of any Orange County permits or development approvals, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

The estimated developable area for this site is less than 1.5 acres. Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Per Orange County Comprehensive Plan Policy FLU1.1.2 C, 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. Impacts to Class I conservation areas require approval from the Board of County Commissioners.

The Normal High Water Elevation (NHWE) of Lake Barton was established at 93.06 feet NAVD 88. The applicant shall clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback lines.

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. The applicant shall also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

Prior to demolition or construction activities associated with existing structures, the applicant provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD).

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

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

Transportation / Access

This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area:

- City maintained sidewalks exist along N. Semoran Blvd. from Hibiscus Road to E. Colonial Drive.
- City maintained bike paths exist along E. Colonial Drive from Old Cheney Hwy to N. Goldenrod Road.
- Lynx Routes:
 - # 436S - Fern Park/Orlando International Airport;
 - #28 - E. Colonial Drive/Azalea Park;
 - #29 E. colonial Drive/Goldenrod Road; #
 - 104 - East Colonial Drive/UCF.
 - There are (10) bus stops (1 sheltered) within the project area.

Based on the size of the office space, a mobility analysis may be required for proposed project.

Code Enforcement

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

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaim Water: City of Orlando

Schools

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

Parks and Recreation

Orange County Parks and Recreation 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 – (June 20, 2019)

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

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested P-O (Professional Office District) zoning, subject to two (2) restrictions.

Staff indicated that one hundred twenty-nine (129) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with one (1) commentary received in favor of the request and zero (0) in opposition. 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 and boundary of the lake, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-2 (Professional Office District) zoning, subject to two (2) restrictions. Commissioner Abdallah seconded the motion, which then carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Mohammed Abdallah

Voting in Favor

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

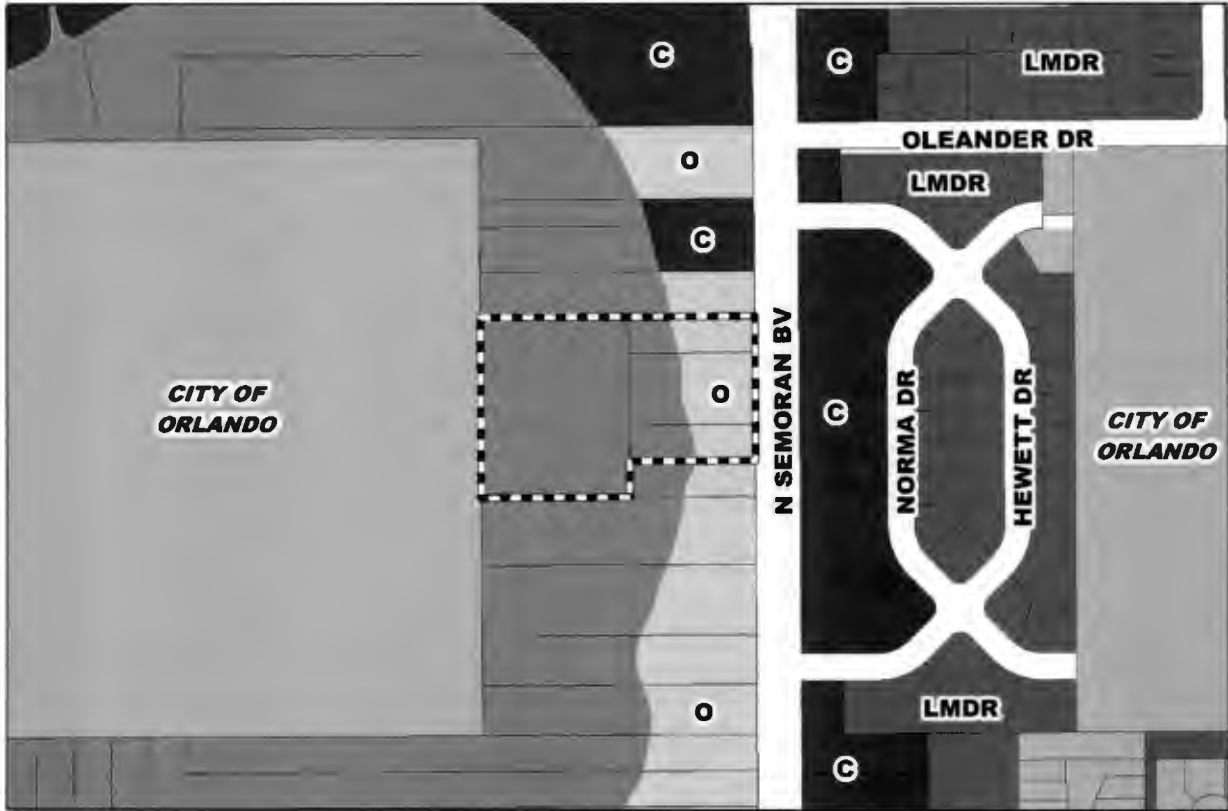
Voting in Opposition

None

Absent

JaJa Wade

RZ-19-06-013



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Office (O)

APPLICANT: Javier Barcenas and Milena Portillo

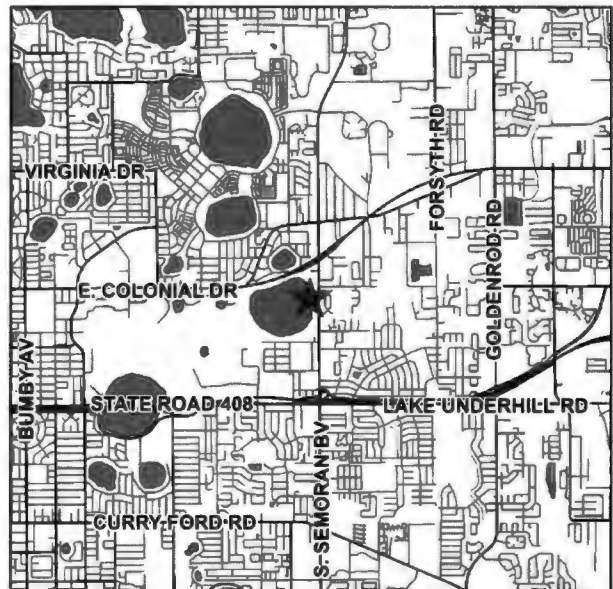
LOCATION: 594-628 N. Semoran Boulevard; or general on the west side of N. Semoran Boulevard, approximately 375 feet south of Oleander Drive

TRACT SIZE: 5.12 gross acres

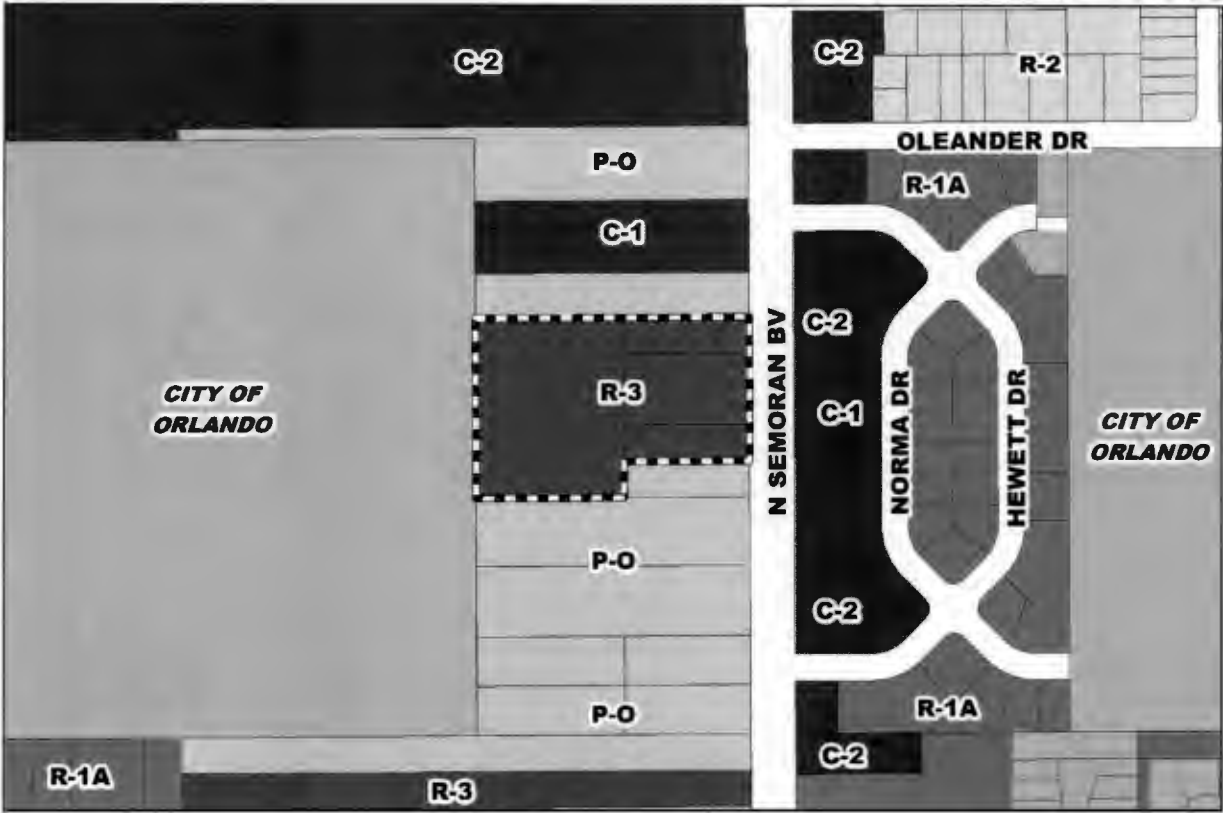
DISTRICT: # 3

S/T/R: 28/22/30

1 inch = 350 feet



RZ-19-06-013



Subject Property



Subject Property

Zoning Map

ZONING: R-3 (Multiple-Family Dwelling District) to P-O (Professional Office District)

APPLICANT: Javier Barcenas and Milena Portillo

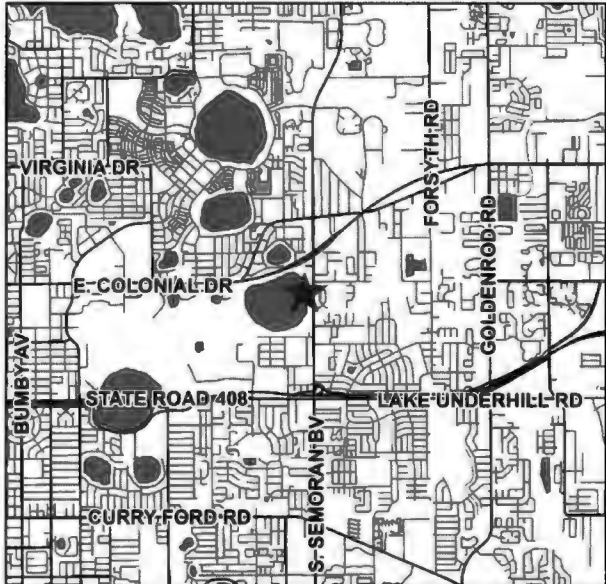
LOCATION: 594-628 N. Semoran Boulevard; or general on the west side of N. Semoran Boulevard, approximately 375 feet south of Oleander Drive

TRACT SIZE: 5.12 gross acres

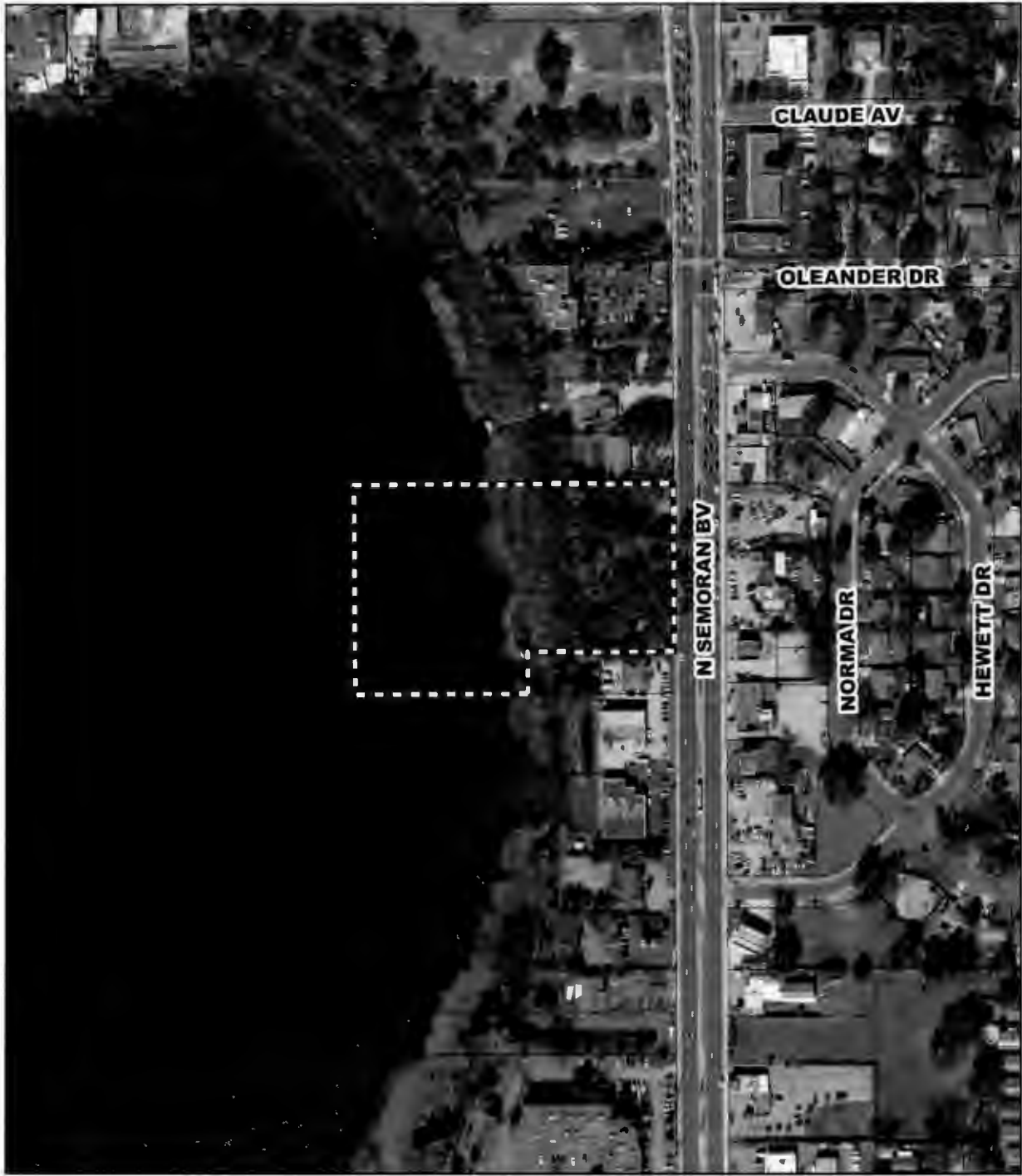
DISTRICT: # 3

S/T/R: 28/22/30

1 inch = 350 feet



RZ-19-06-013



 Subject Property

























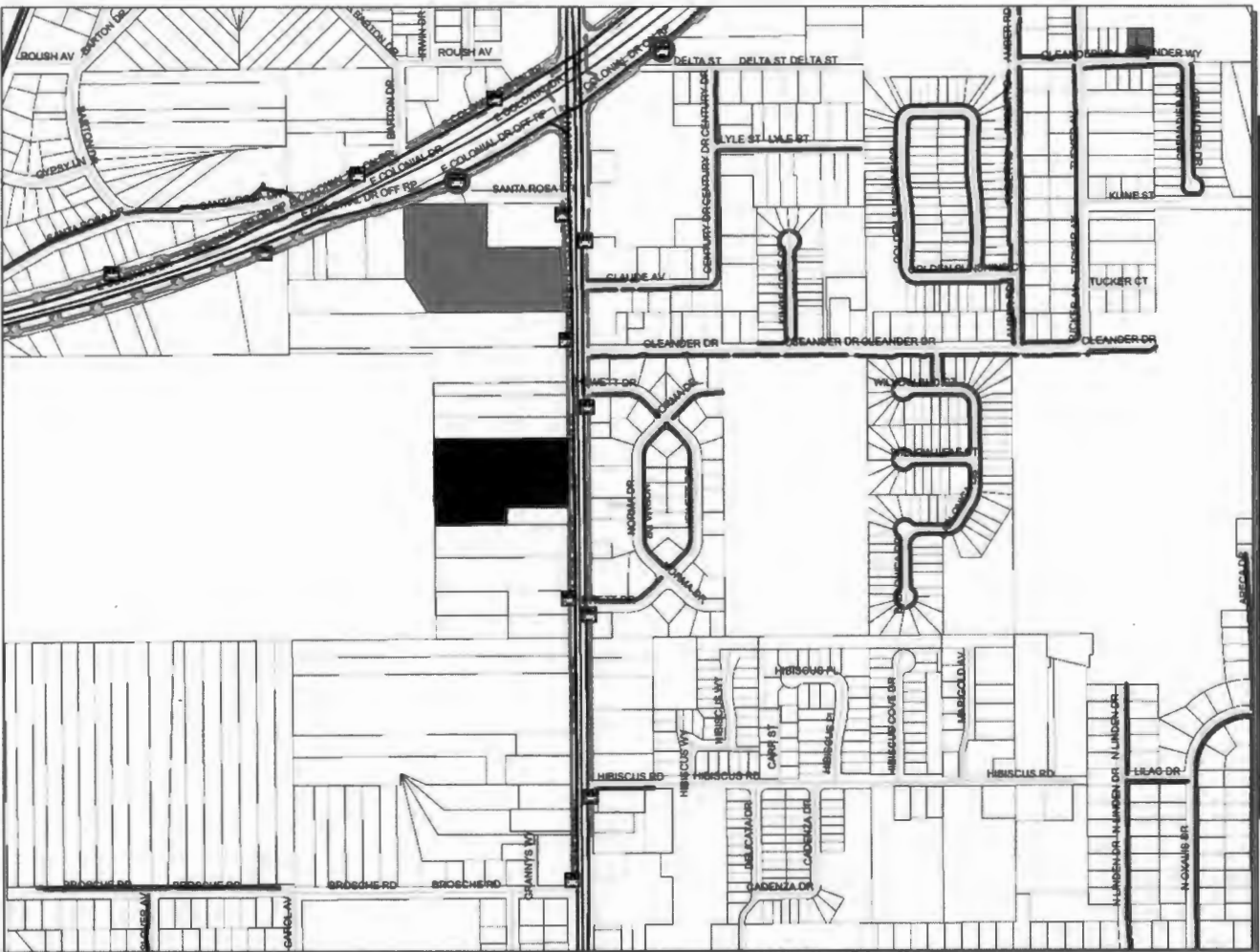
1 inch = 250 feet

Alternative Mobility Area Context Map

RZ-19-06-013

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
-  Town Center
-  Village F
-  Village H
-  Village I
-  Bridgewater Village
-  Lakeside Village
-  Horizon West Boundary
-  County Boundary
-  Parcels



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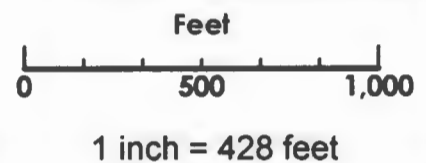
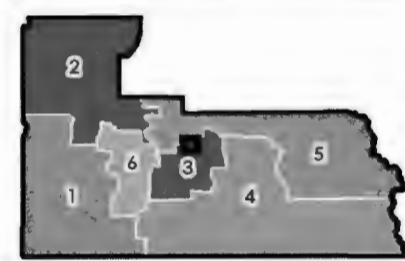
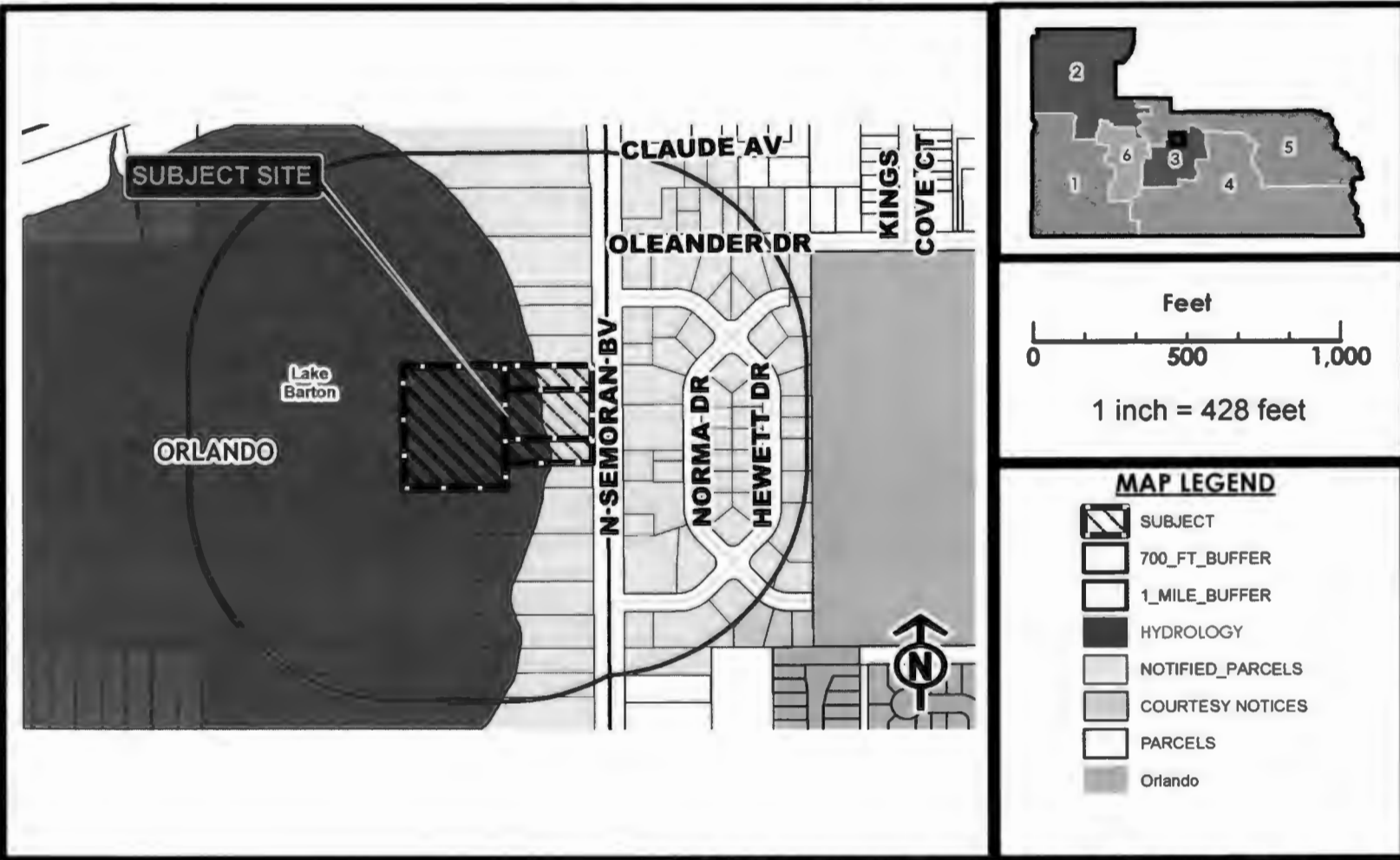


Public Notification Map

RZ-19-06-013

700 FT BUFFER, 129 NOTICES

Notification Map



MAP LEGEND

- SUBJECT
- 700_FT_BUFFER
- 1_MILE_BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY NOTICES
- PARCELS
- Orlando

CASE # RZ-19-06-015

Commission District: #5

GENERAL INFORMATION

APPLICANT	James R. Morrison, Florida Manufactured Home Sales, LLC
OWNERS	Florida Manufactured Homes Sales, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	25140 E. Colonial Drive; or generally located on the south side of E. Colonial Drive, approximately 325 feet west of St. Anne Avenue
PARCEL ID NUMBER	34-22-33-1327-13-090
TRACT SIZE	0.52-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-two (262) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Outdoor sales, display and storage of mobile homes and sheds

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

If the Planning and Zoning Commission (PZC) makes a finding of consistency with the Comprehensive Plan and recommends APPROVAL of the requested C-2 (General Commercial District) zoning, staff recommends that the zoning be subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
- 3) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of outdoor sales, display, and storage of mobile homes and sheds.

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 land use 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.

FLU6.2.9 states that Neighborhood commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses that will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements. The scale and intensity of commercial and office uses must be compatible with the development pattern of the existing Rural Settlement. Corner stores, professional services that utilize existing structures, small scale personal services permitted within agricultural zoning are the type of non-residential uses consistent with Rural Settlements. ***Limited C-1 zoning uses and FARs up to 0.15 shall be considered suitable for Rural Settlements that have maintained their historic character.***

FLU6.2.10 states that neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

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 N1.1 states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

SITE DATA

Existing Use	Undeveloped Commercial
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: C-2 (General Commercial District) (1998) W: A-2 (Farmland Rural District) (1957) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Single-Family Dwelling (<i>across E. Colonial Drive</i>) E: Manufactured Home Sales W: Undeveloped S: Single-Family Dwelling

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 25140 E. Colonial Drive; or generally located on the south side of E. Colonial Drive, approximately 325 feet west of St. Anne Avenue, within the Christmas Rural Settlement. The E. Colonial Drive corridor is developed with a mixture of single-family dwellings, grazing land, and varying intensities of commercial uses.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to allow the outdoor sales, display and storage of mobile homes and sheds. This is consistent with the existing use operated by the applicant directly to the east of the subject property. The applicant intends to expand their mobile home business onto the subject property.

Although the subject parcel is located adjacent to existing C-2 zoned property, staff has determined that the proposed request to rezone the subject property to C-2 zoning

district would adversely impact the adjacent single-family development to the south of the subject property and may encourage the advancement of additional C-2 or C-3 zoning adjacent into the Christmas Rural Settlement, contrary to the intent of the Comprehensive Plan.

Furthermore, Orange County Code Section 38-851, states that the C-2 zoning district should not be located adjacent to single-family residential zoning districts. This is because of the variety of uses that are permitted in the C-2 zoning district that are incompatible with single-family zoned properties, such as outdoor storage, vehicle repair, outdoor sales, etc.

While there are C-2 and C-3 parcels located adjacent to and near the single-family development to the south of the subject parcel, all of the existing C-2 and C-3 zoned parcels have been zoned in their current state prior to the adoption of the C-2 and C-3 residential adjacency requirements in 1995.

Lastly, Orange County Comprehensive Plan Policies FLU 1.4.2 and 1.4.4 require that all land use changes be compatible with existing neighborhoods and that poorly located / designed commercial activities near residential areas be avoided and Policy FLU 6.2.9 states that commercial uses within Rural Settlements shall be limited to neighborhood serving C-1 uses. Given this analysis, staff is recommending denial of this application.

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 located within the Christmas 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

Orange County Environmental Protection Division (EPD) reviewed this request, but did not identify any issues or concerns.

Transportation / Access

The proposed use will generate three (3) net PM peak trips, the trip generation of the proposed project does not exceed one (1) percent of the maximum volume at the adopted Level of Service on affected transportation facilities. This project will not create an impact on the roadway network.

Code Enforcement

There are not active Code Enforcement cases on the subject property.

Utilities

Water:	Orange County Utilities	Not Available
Wastewater:	Orange County Utilities	Not Available
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 – (June 20, 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 two hundred sixty-two (262) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with three (3) commentaries received in favor of the request and two (2) in opposition. The applicant was present for the hearing and disagreed with staff's recommendation. No members of the public were present to speak on this request.

After a brief discussion regarding the preservation of the Rural Settlements and compliance with Rural Settlement policies, a motion was made by Commissioner Spears 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 4-3 vote.

Motion / Second

Gordon Spears / Jimmy Dunn

Voting in Favor

Gordon Spears, Jimmy Dunn, Carlos Nazario, and Diane Velazquez

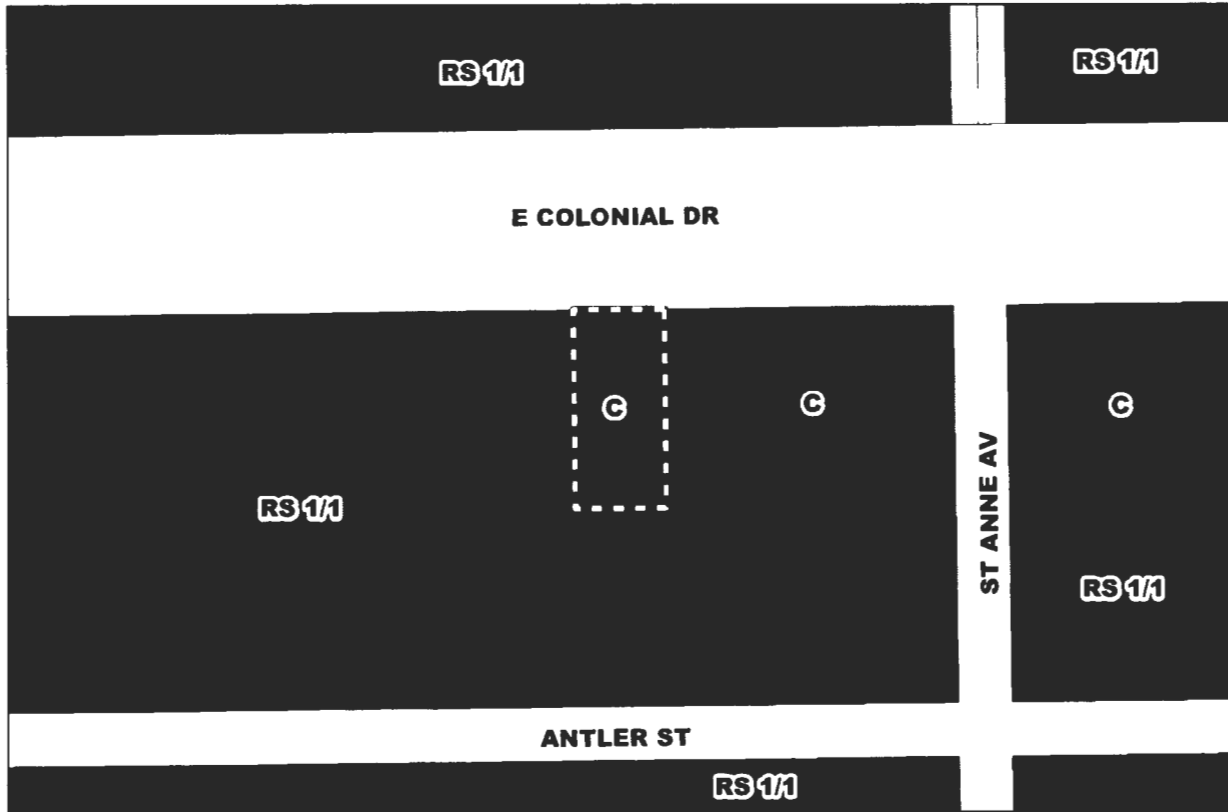
Voting in Opposition

Jose Cantero, Eddie Fernandez, and Yog Melwani

Absent

JaJa Wade and Mohammed Abdallah

RZ-19-06-015



 Subject Property

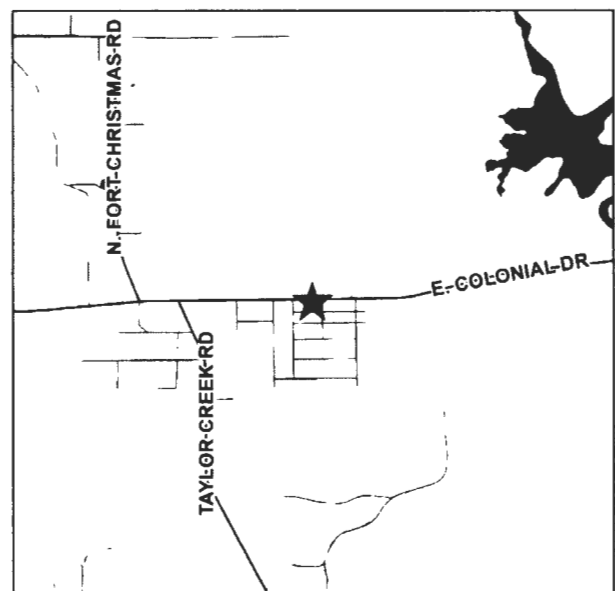


★ Subject Property

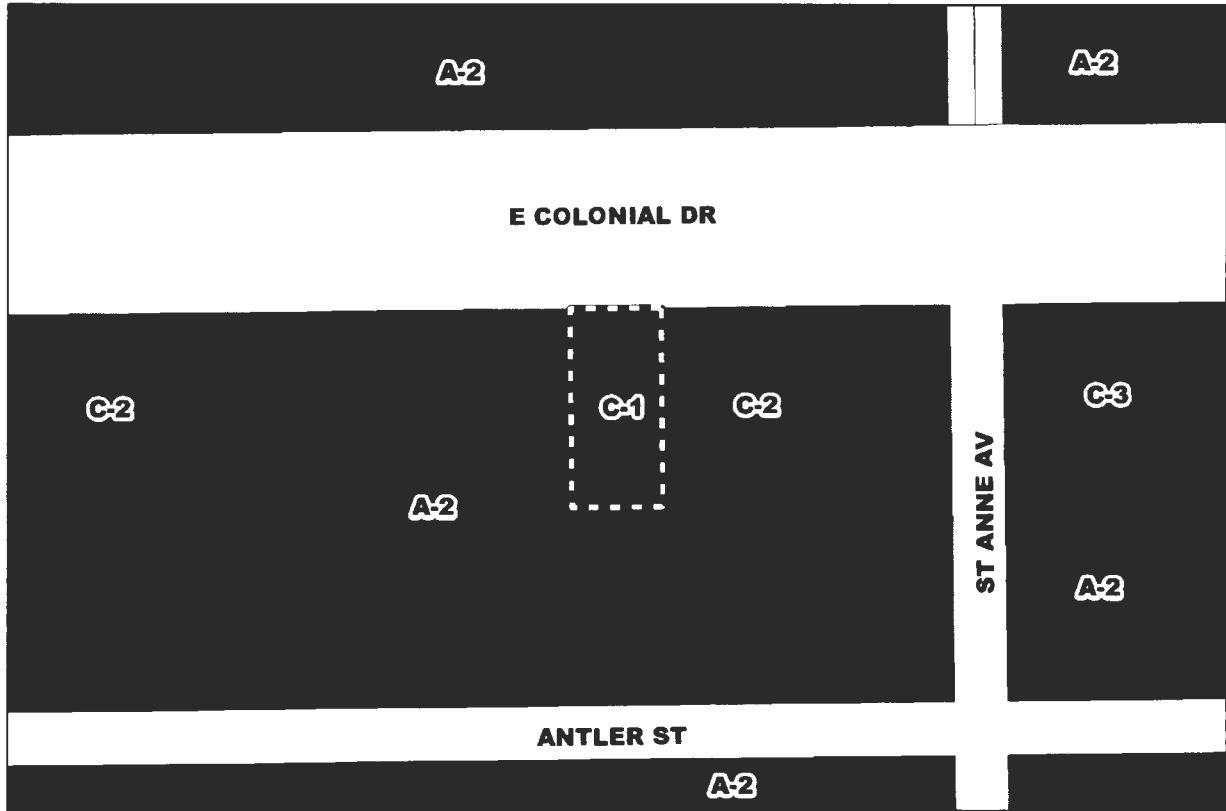
Future Land Use Map

FLUM: Commercial (C)
APPLICANT: James R. Morrison,
 Florida Manufactured Home Sales, LLC
LOCATION: 25140 E. Colonial Drive; or generally
 located on the south side of E. Colonial
 Drive, approximately 325 feet west of St.
 Anne Avenue
TRACT SIZE: 0.52-gross acre
DISTRICT: # 5
S/T/R: 34/22/33

1 inch = 175 feet



RZ-19-06-015



 Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: James R. Morrison,
 Florida Manufactured Home Sales, LLC

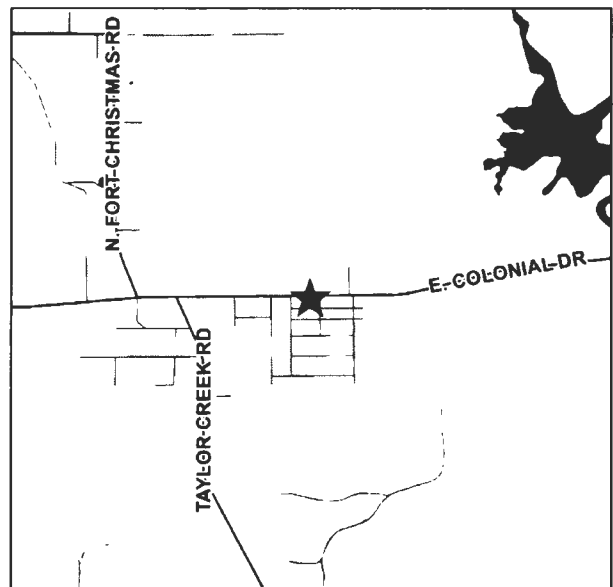
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TRACT SIZE: 0.52-gross acre

DISTRICT: # 5

S/T/R: 34/22/33

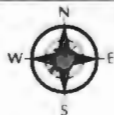
1 inch = 175 feet



RZ-19-06-015



 Subject Property



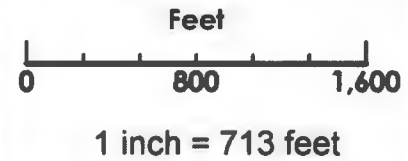
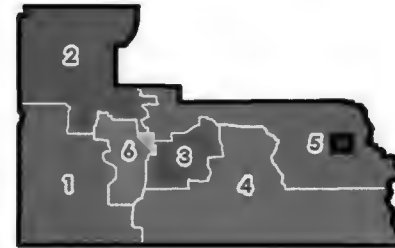
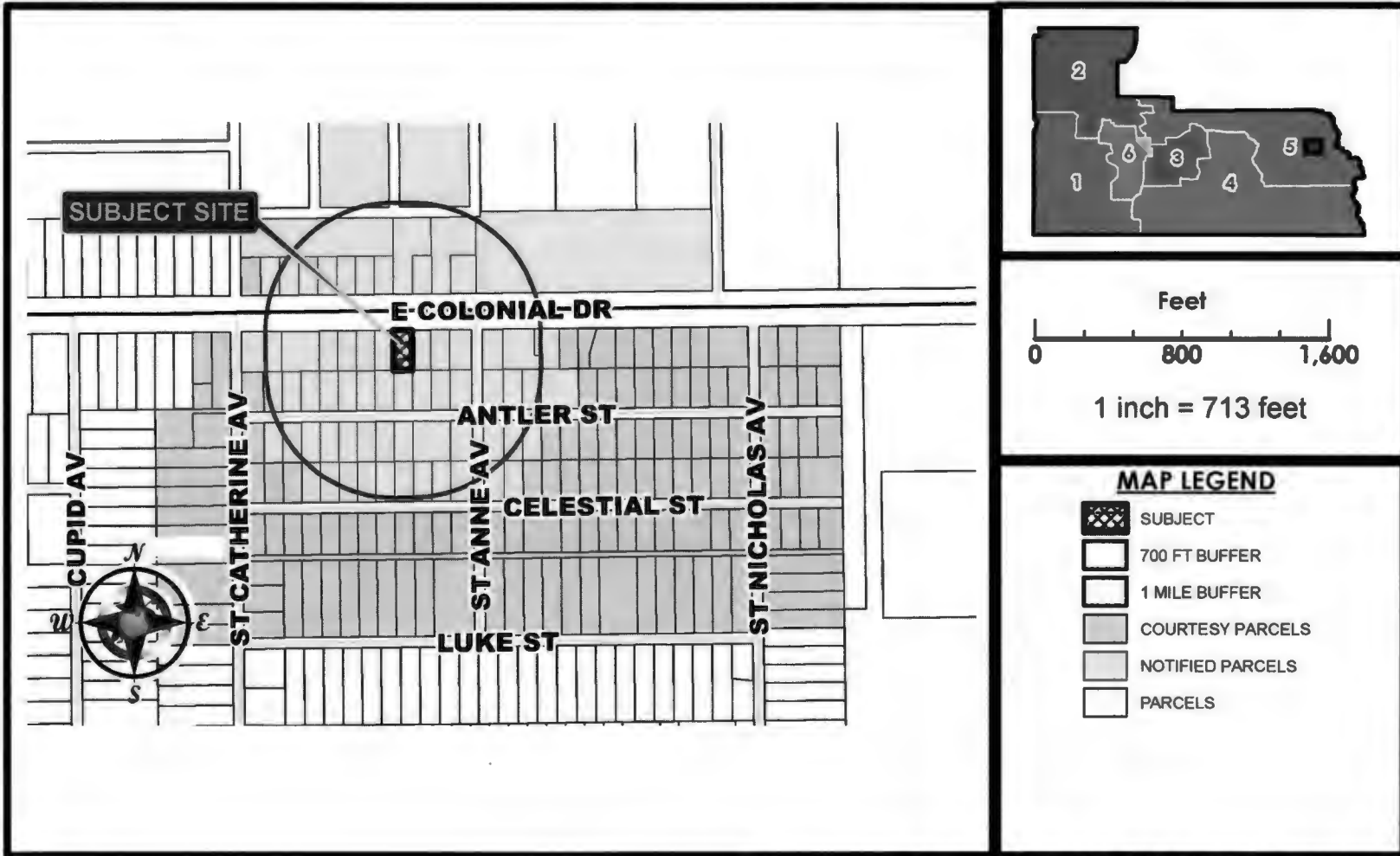
1 inch = 100 feet



Public Notification Map

RZ-19-06-015

700 FT BUFFER, 262 NOTICES



MAP LEGEND

- SUBJECT
- 700 FT BUFFER
- 1 MILE BUFFER
- COURTESY PARCELS
- NOTIFIED PARCELS
- PARCELS

Notification Map

Case # RZ-19-06-015
Orange County Planning Division
PZC Hearing Date: June 20, 2019

Case Planner:
Nicolas Thalmueller

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 20, 2019
