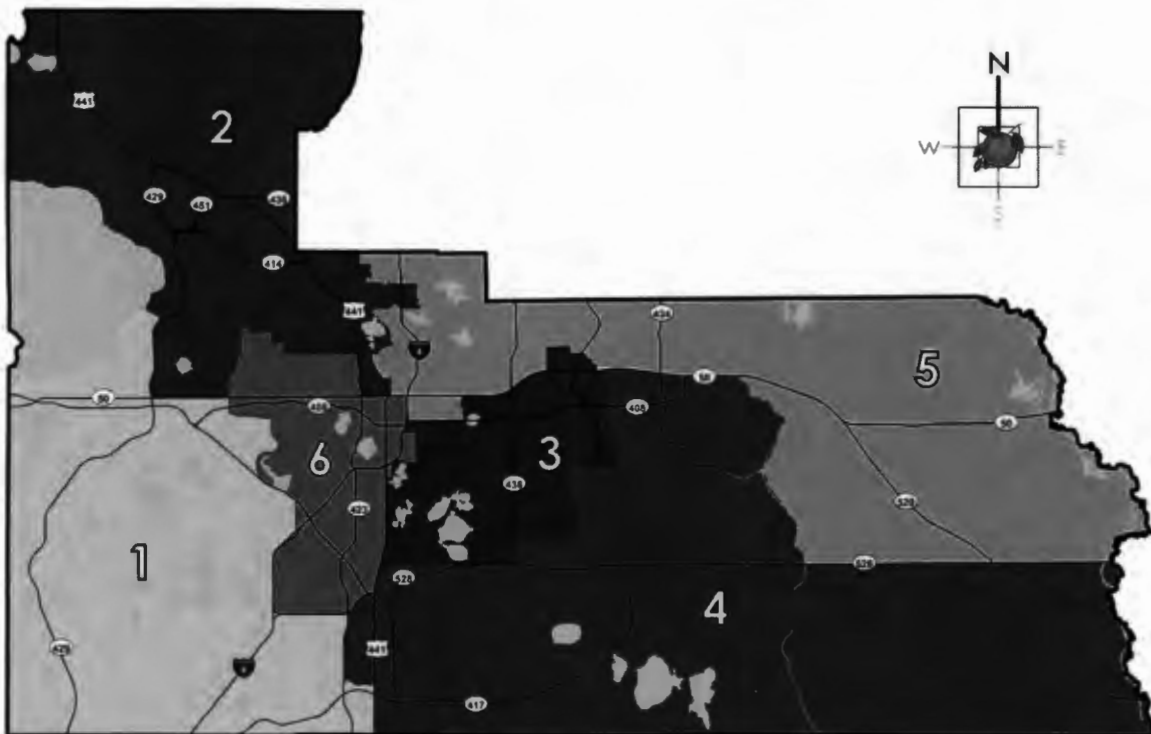




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

MAY 21, 2020



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

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Eddie Fernandez District #3  
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Mohammed Abdallah At Large

Evelyn Cardenas At Large

Nelson Pena At Large

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**May 21, 2020**

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<b><u>Case # Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission District</u></b>	<b><u>Recommendations Staff</u></b>	<b><u>PZC</u></b>	<b><u>BCC Hearing Required</u></b>
<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-20-02-004 Edward Durruthy	<i>R-1AA to R-1</i>	3	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-20-03-005 Tawnya Brown	<i>R-1A to R-T-1</i>	4	Approval	Approval	No
RZ-20-03-020 Julian R. Coto	<i>A-1 to R-1</i>	2	Approval	Approval	No
RZ-20-03-021 Juliet N. Jah	<i>P-O to R-3</i>	6	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-20-03-023 Tony Grant	<i>R-1 to R-2</i>	2	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-02-03-025 Peter Duke	<i>R-1A to R-1</i>	3	Approval	Approval	No
RZ-20-03-026 Al Tehrani	<i>R-3 to C-1</i>	6	Approval with four (4) restrictions	Approval with four (4) restrictions	No
<b>II. PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS</b>					
LUP-19-06-225 Neel Shivcharran Old Cheney Townhomes PD	<i>R-1A &amp; R-3 to PD</i>	5	Approval with fourteen (14) conditions	Approval with fourteen (14) conditions	Yes
LUP-19-09-290 Heather Isaacs Silverleaf LUP /RP	<i>A-1 &amp; PD to PD</i>	1	Approval with twenty-one	Approval with twenty-two	Yes

LUP-19-11-394  
Michelle Heatherly  
Collegiate Village PD/LUP

*R-3 to PD*

5

(21)  
conditions

(22)  
conditions

Approval with  
ten (10)  
conditions

Approval with  
ten (10)  
conditions

Yes

# SITE and BUILDING REQUIREMENTS

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

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.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	<i>a</i>
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
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	<i>a</i>
R-T-1								
	SFR 4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
	Mobile home 4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(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	<i>a</i>
		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 # RZ-20-02-004**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Edward Durruthy, Castle & Cooke Real Estate Services
<b>OWNERS</b>	Sodo Investments, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1AA</b> (Single-Family Dwelling District) to <b>R-1</b> (Single-Family Dwelling District)
<b>LOCATION</b>	S. Westmoreland Drive; generally north of West Lake Holden Point and approximately 1,300 feet east of S. Orange Blossom Trail
<b>PARCEL ID NUMBER</b>	<b>11-23-29-9495-00-050, 11-23-29-9495-00-020, 11-23-29-9495-00-010, 11-23-29-9495-00-030, 11-23-29-9495-00-040</b>
<b>TRACT SIZE</b>	13.31 gross acres
<b>PUBLIC NOTIFICATION</b>	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 thirty-nine (239) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Twelve (12) single-family detached 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) zoning, subject to the following restriction:**

- 1) Lots shall be a minimum of sixty (60) feet wide.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The subject property is currently undeveloped, and consists of Class I wetlands with a portion of Lake Holden. The Wyndham Estates Phase II replat was recorded in official records book on May 21, 2013, and shows the subject property platted as five (5) lots with width varying from fifty-four (54) feet to one hundred fifteen (115) feet on average. The immediate area is developed with single-family dwelling units on lots varying from fifty (50) feet in width to one hundred (100) feet in width. The lakefront properties have larger lots.

Through this request, the applicant is seeking to rezone the subject property from R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District), with the intent to construct a subdivision of twelve (12) single-family detached dwelling units. Even though the subject property is 13.31 gross acres, the net developable land area for the project is 3.68 gross acres. The Wyndham Estates Phase II replat shows the approved conservation area boundaries for the lake, wetland, upland buffer, berm and swale. Approval of this request does not authorize any direct or indirect conservation area impacts. A restriction of minimum sixty (60) foot wide lots provides a compatible infill development. The applicant presented a conceptual plan at the February 10<sup>th</sup> Community meeting, that showed lots larger than the standard requirement for R-1. Residents expressed concern about a proposed perimeter wall on S. Westmoreland, and unsafe entrance off of 37<sup>th</sup> street. These will be addressed at the time of Preliminary Subdivision Plan review.

**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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent 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.

**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-1AA (Single-Family Dwelling District) (1957) E: Water Body W: R-1A (Single-Family Dwelling District) (1957) S: R-1AA (Single-Family Dwelling District) (1957) (1968)
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Water Body W: Single-Family Dwelling S: Single-Family Dwelling

### **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. Living Area:	1,000 sq. ft.
<u>Building Setbacks</u>	

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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: Orange County maintained sidewalks exist along S Westmoreland Drive from 37th Street to 29th Street. There are two (2) bus stops within the project area. One (1) is a sheltered stop. A mobility analysis may be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\*Environmental Comments: Conservation Area Determination CAD 06-200 delineated a Class I wetland and a portion of Lake Holden on this site. The Wyndham Estates Phase II replat recorded in official records book 79, pages 96-97 shows the approved conservation area boundaries for the lake, wetland, upland buffer, berm and swale. Approval of this request does not authorize any direct or indirect conservation area impacts. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

The net developable land area for this project is 3.68 acres, defined as the gross land area less surface waters and wetland areas. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units/square footage by the net developable land 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 Environmental Protection Division (EPD). Reference Orange County Comprehensive Plan Policy FLU1.1.2 C. Impacts to Class I wetlands require approval from the Board of County Commissioners (BCC).

Approval of this request does not grant permission for the construction or alteration of a boat ramp, dock, boardwalk, pier, lake shore vegetation, or seawall 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. Lake Holden has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Holden, this project shall be required to be a participant.

Lake Holden is impaired for nutrients (phosphorous and nitrogen) and has established Total Maximum Daily Load (TMDL). It is located within the Lake Okeechobee/Upper Kissimmee Basin Management Action Plans (BMAP). Discharged stormwater runoff shall not degrade receiving surface water bodies below the minimum conditions established by state water quality standards.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (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).

Water and sewer service is available per Orange County Utilities.

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. Reference Orange County Code Sections 30-277 and 30-278.

#### **Community Meeting Summary**

The community meeting was held on February 10<sup>th</sup> at 6.30 pm at Pineloch Elementary School. Excluding the applicant and various Orange County staff, twenty two (22) residents were in attendance. The community has expressed concerns about the effect on wetlands, lake access, and retention area. The applicant has stated that the proposed development will be connected to sewer, and the HOA will take control of the retention pond. Proposed homes on lakefront lots are estimated to be 3,000-4,000 square feet in size, and sell for \$500,000-\$600,000. The homes on interior lots are estimated to be 2,500-2,800 square foot in size, and sell for up to \$350,000. Other concerns were related to traffic in the neighborhood, with a history of bad drivers. The entrance of the proposed development may need to be reengineered to make it safer. The proposed perimeter wall on S. Westmoreland and accessory dwelling units were not supported by the community. Lastly, there was concern over an increase in property taxes after development takes place. In general the community was supportive of the project, stating that they want to keep the trees and greenery in the neighborhood.

#### **Utilities**

Water: Orlando Utilities Commission

Wastewater:	Orange County Utilities	A 6-inch force-main is located near the intersection of Westmoreland and 35 <sup>th</sup> street
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Reclaim Water:	City of Orlando
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**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

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

- 1) Lots shall be a minimum of sixty (60) feet wide.

**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 (1) restriction, that lots shall be a minimum of sixty (60) feet wide. The applicant was present and agreed with the staff recommendation.

Staff indicated that two hundred thirty-nine (239) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received eleven (11) commentaries in opposition to the request and five (5) in favor. Zero (0) members of the public were present to speak on this request.

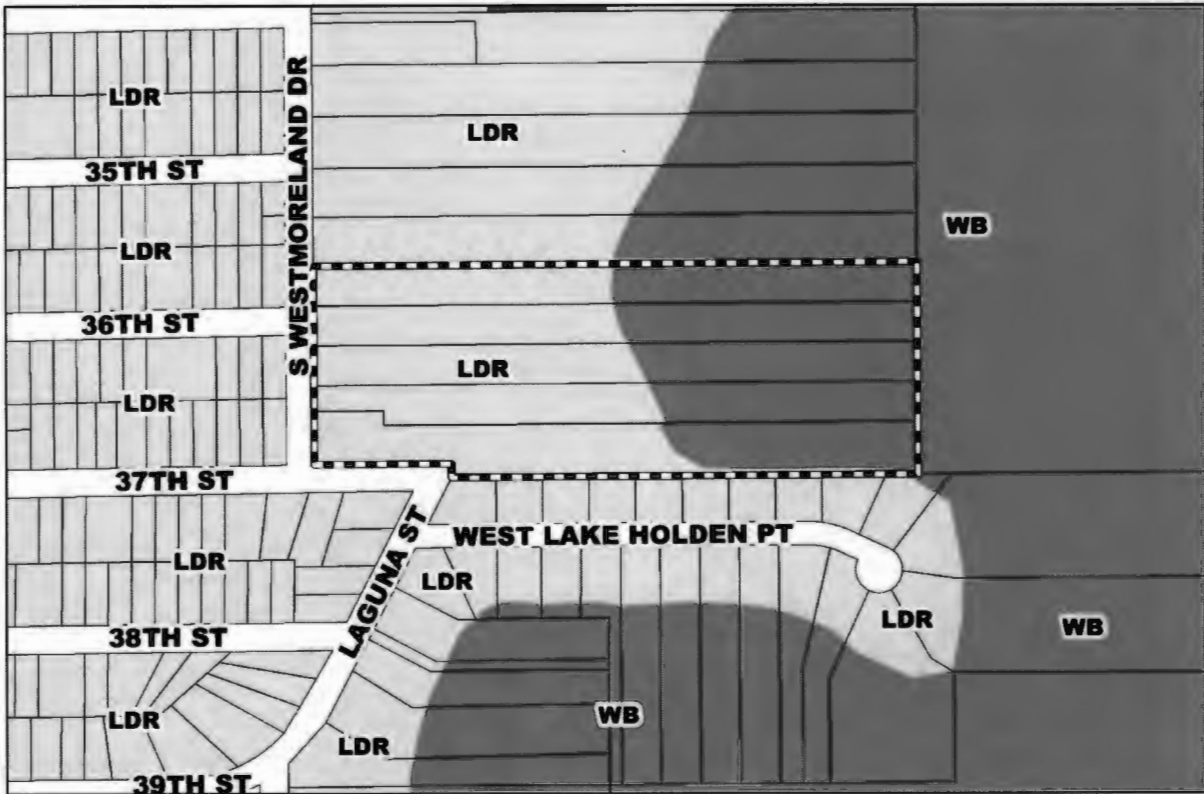
After discussion addressing the proposed use of the property, compatibility with the surrounding area, and applicant's presentation, a motion was made by Commissioner Fernandez, and seconded by Commissioner Abdallah to recommend APPROVAL of the

requested R-1 (Single-Family Dwelling District) zoning, subject to one restriction. The motion carried on a 9-0 vote.

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



RZ-20-02-004



Subject Property



Subject Property

**Future Land Use Map**

FLUM: Low Density Residential (LDR)

APPLICANT: Edward Durruthy  
 Castle & Cooke Real Estate Services

LOCATION: S. Westmoreland Drive; generally north of  
 West Lake Holden Point and approximately  
 1,300 feet east of S. Orange Blossom Trail

TRACT SIZE: 13.31-gross acres

DISTRICT: #3

S/T/R: 29/23/11

1 inch = 330 feet



RZ-20-02-004



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

**APPLICANT:** Edward Durruthy  
 Castle & Cooke Real Estate Services

**LOCATION:** S. Westmoreland Drive; generally north of West Lake Holden Point and approximately 1,300 feet east of S. Orange Blossom Trail

**TRACT SIZE:** 13.31-gross acres

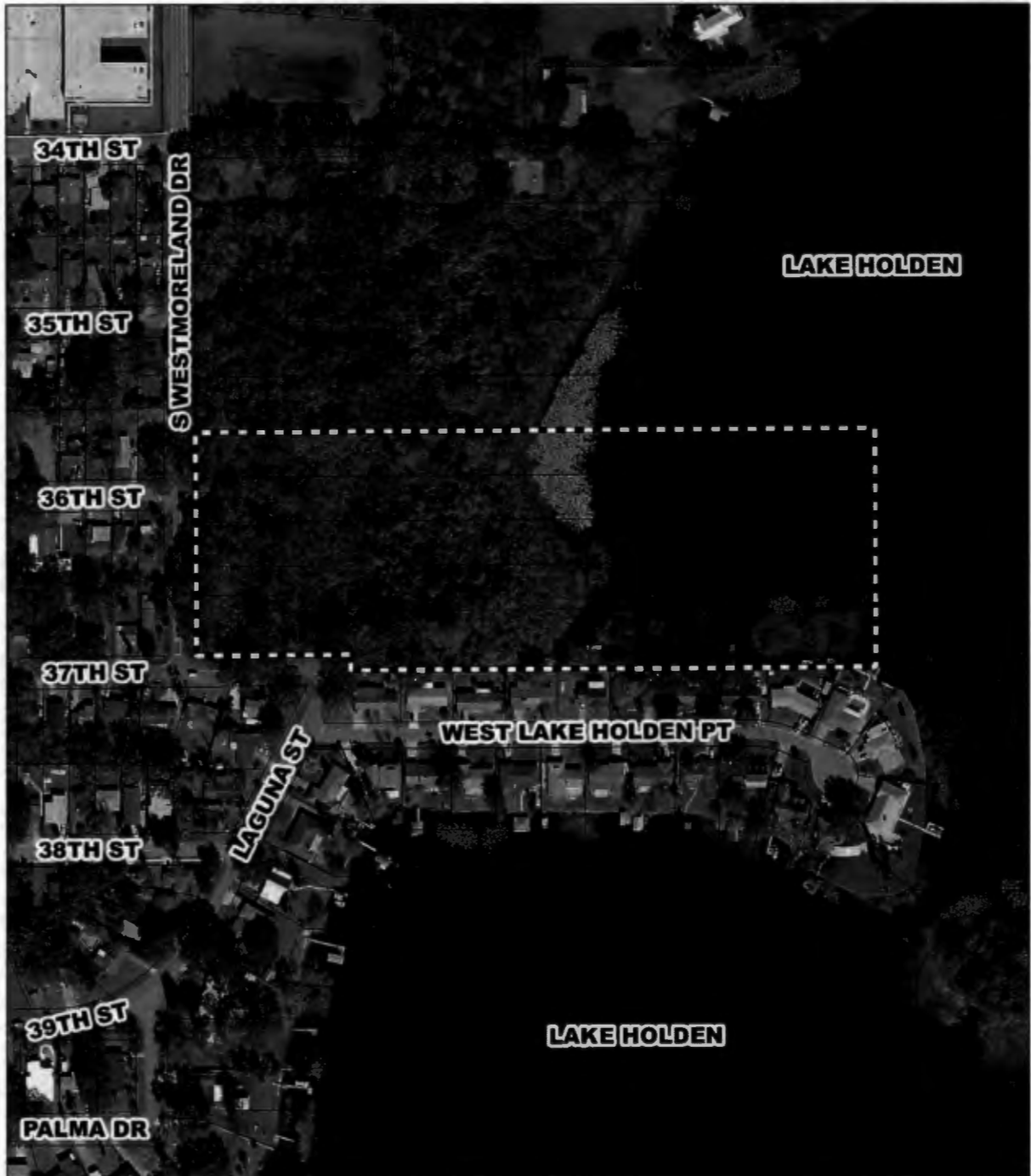
**DISTRICT:** #3

**S/T/R:** 29/23/11

1 inch = 330 feet



RZ-20-02-004



 Subject Property



1 inch = 250 feet

Alternative Mobilty Area Context Map

RZ-20-02-004  
S WESTMORELAND DR

**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Routes Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA\_PARCELS\_Buffer432
- Horizon West Boundary
- County Boundary
- Parcels

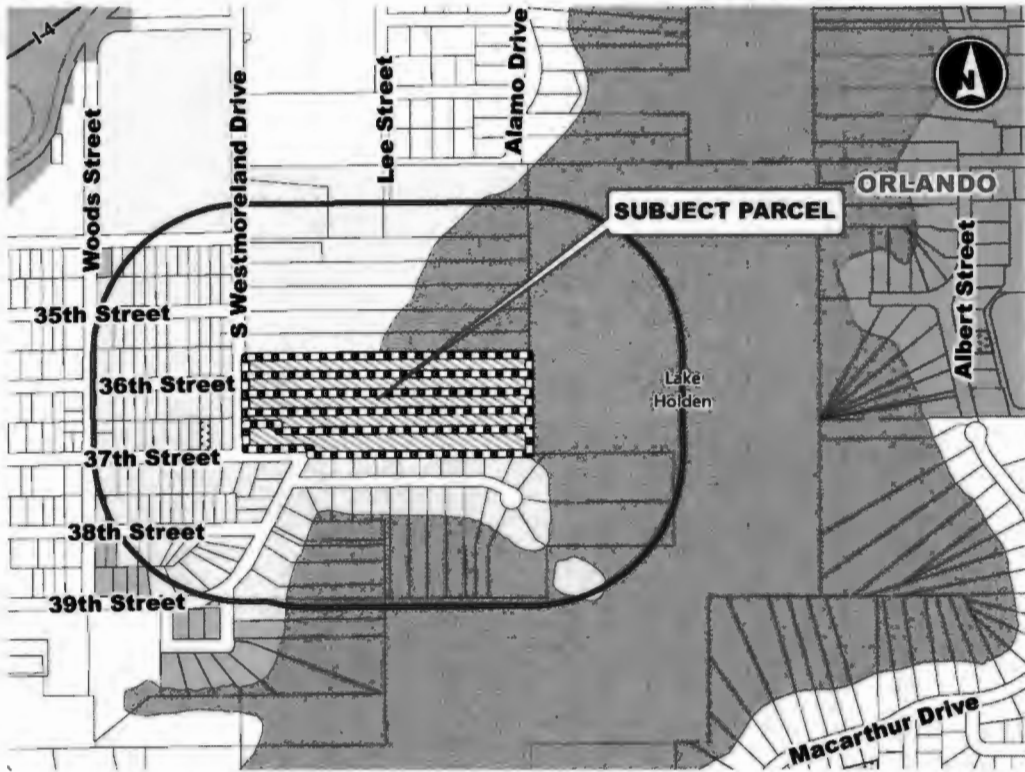


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# Public Notification Map

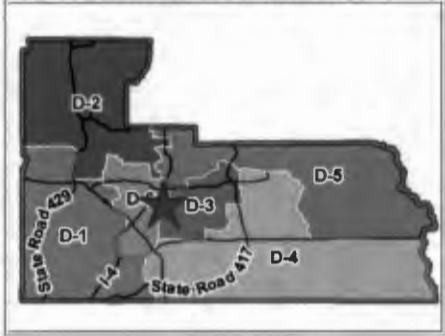
Case Name



**MAP LEGEND**

	SUBJECT
	700_FT_BUFFER
	PARCELS
	HYDROLOGY
	NOTIFIED_PARCELS
	COURTESY NOTICES

**BUFFER DISTANCE: 700**  
**# OF NOTICES: 239**  
**RESIDENTIAL COUNT: 126**



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Notification Map

Rezoning Case: RZ-20-02-004  
 Orange County Planning Division  
 PZC Hearing Date: May 21, 2020

**CASE # RZ-20-03-005**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Tawnya Brown
<b>OWNERS</b>	Miguel Alfredo Ventura Perez
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) and <b>R-T-1</b> (Mobile Home Subdivision District) <b>to</b> <b>R-T-1</b> (Mobile Home Subdivision District)
<b>LOCATION</b>	9525 5 <sup>th</sup> Avenue; or generally west of 6th Avenue, approximately 1500 feet east of S. Orange Avenue.
<b>PARCEL ID NUMBER</b>	01-24-29-8516-41-204
<b>TRACT SIZE</b>	0.165-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 five (105) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	One (1) single-family dwelling unit (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.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the 0.165-acre property from R-1A (Single-Family Dwelling District) and R-T-1 (Mobile Home Subdivision District) to R-T-1 (Mobile Home Subdivision District) in order to construct one (1) mobile home unit on 0.165-acre. The property is currently undeveloped. The proposed mobile home will rely on a septic system.

The subject property was originally platted on August 10, 1910, and is shown as a sixty (60) foot wide lot on 'Town of Taft' plat. The property has direct access to 5<sup>th</sup> Avenue to the west. The immediate area is developed with single-family dwelling and mobile home units on lots varying from sixty (60) feet in width to one hundred twenty (120) feet in width. The Orange Avenue corridor is located nearby to the west and consists of commercial uses.

**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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This Subject property is located within Airport Noise Zone "E". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the Low-Medium Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent 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.

**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-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-T-1 (Mobile Home Subdivision District) (1993) S: R-T-1 (Mobile Home Subdivision District) (1993)
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Single-Family Residential W: Mobile Home S: Mobile Home

**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:	1,000 sq. ft.

**Building Setbacks**

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

**Intent, Purpose, and Uses**

Per Section 38-580 of the Orange County Code, the R-T-1 zoning district is composed of certain lands 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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.</p> <p>Central Florida Pipeline property located to the Southwest. DEP petroleum cleanup site associated with this property.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 1/24/20, there is one failing roadway segment within the project area. Taft Vineland Road from General Drive to Orange Ave. This project is considered de minimis and a traffic study will not be required.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Taft Water Association	
Wastewater:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently available

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**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. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred and five (105) 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) in opposition to the request. No members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Nazario and seconded by Commissioner Pena to recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning. The motion carried on a 9-0 vote.

**Motion / Second**

*Carlos Nazario / Nelson Pena*

**Voting in Favor**

*Carlos Nazario, Nelson Pena, JaJa Wade, Diana Velazquez, Evelyn Cardenas, Jimmy Dunn, Gordon Spears, Mohammed Abdallah, and Eddie Fernandez*

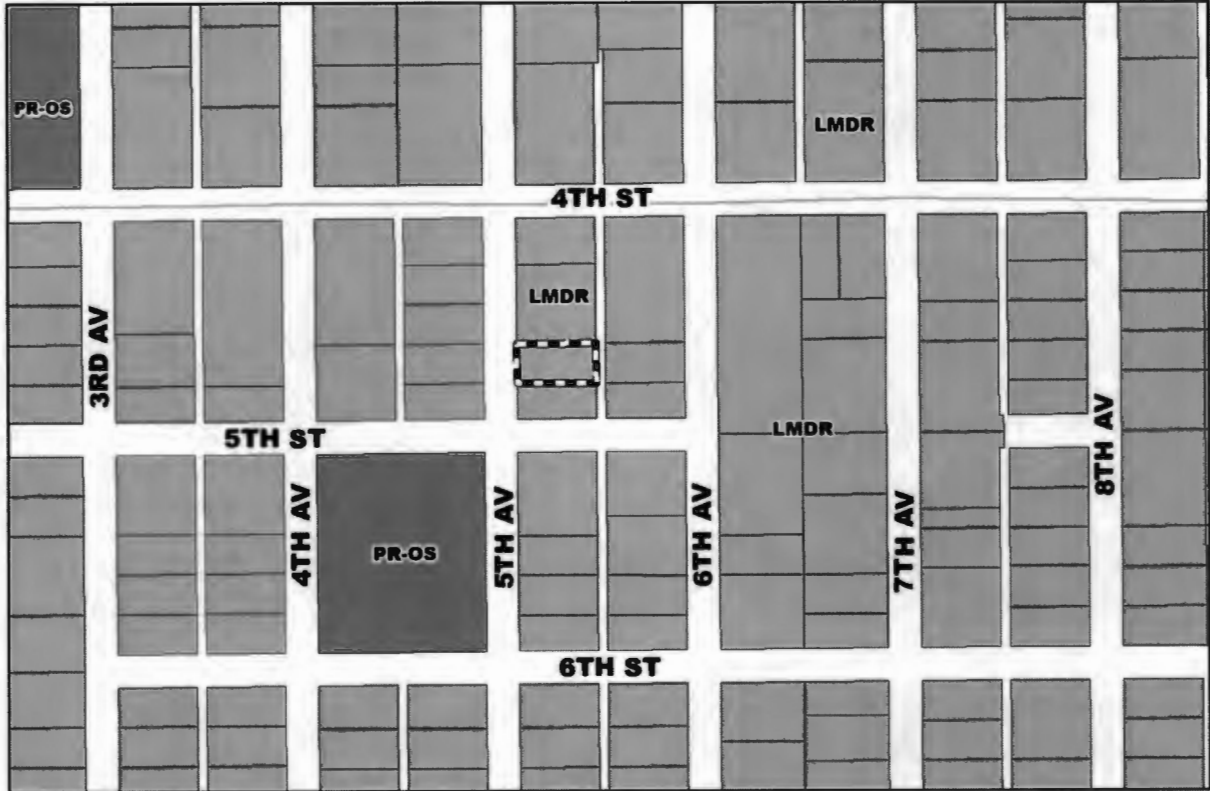
**Voting in Opposition**

*None*

**Absent**

*None*

RZ-20-03-005



Subject Property



Subject Property

**Future Land Use Map**

FLUM: LMDR (Low-Medium Density Residential)

APPLICANT: Tawnya Brown  
 TNT Permitting

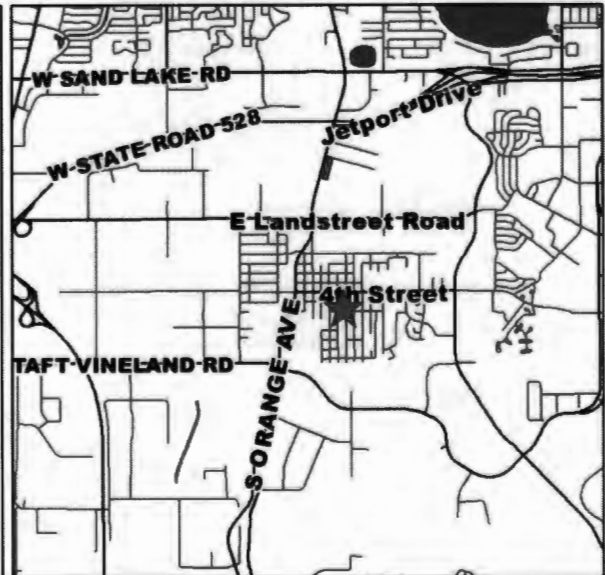
LOCATION: 9525 5th Avenue; or generally west of 6th Avenue, approximately 1500 feet east of S. Orange Avenue

TRACT SIZE: 0.165-gross acre

DISTRICT: #4

S/T/R: 01/24/29

1 inch = 233 feet



RZ-20-03-005



Subject Property



Subject Property

**Zoning Map**

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

**APPLICANT:** Tawnya Brown  
TNT Permitting

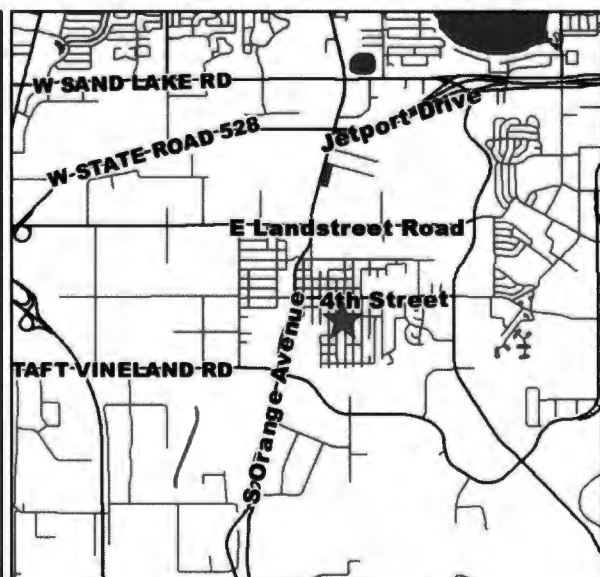
**LOCATION:** 9525 5th Avenue; or generally west of 6th Avenue, approximately 1500 feet east of S. Orange Avenue

**TRACT SIZE:** 0.165-gross acre

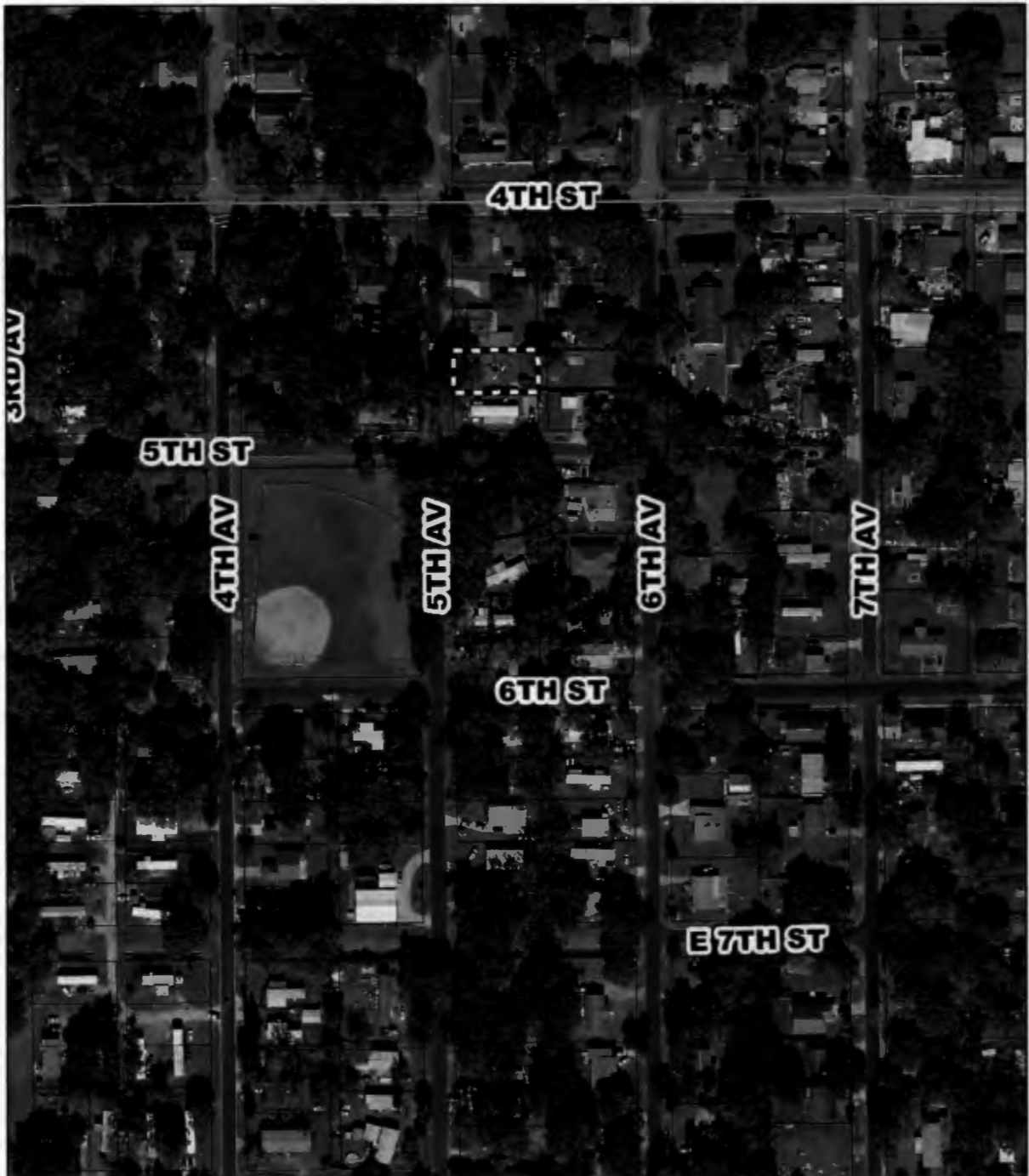
**DISTRICT:** #4

**S/T/R:** 01/24/29

1 inch = 233 feet



RZ-20-03-005

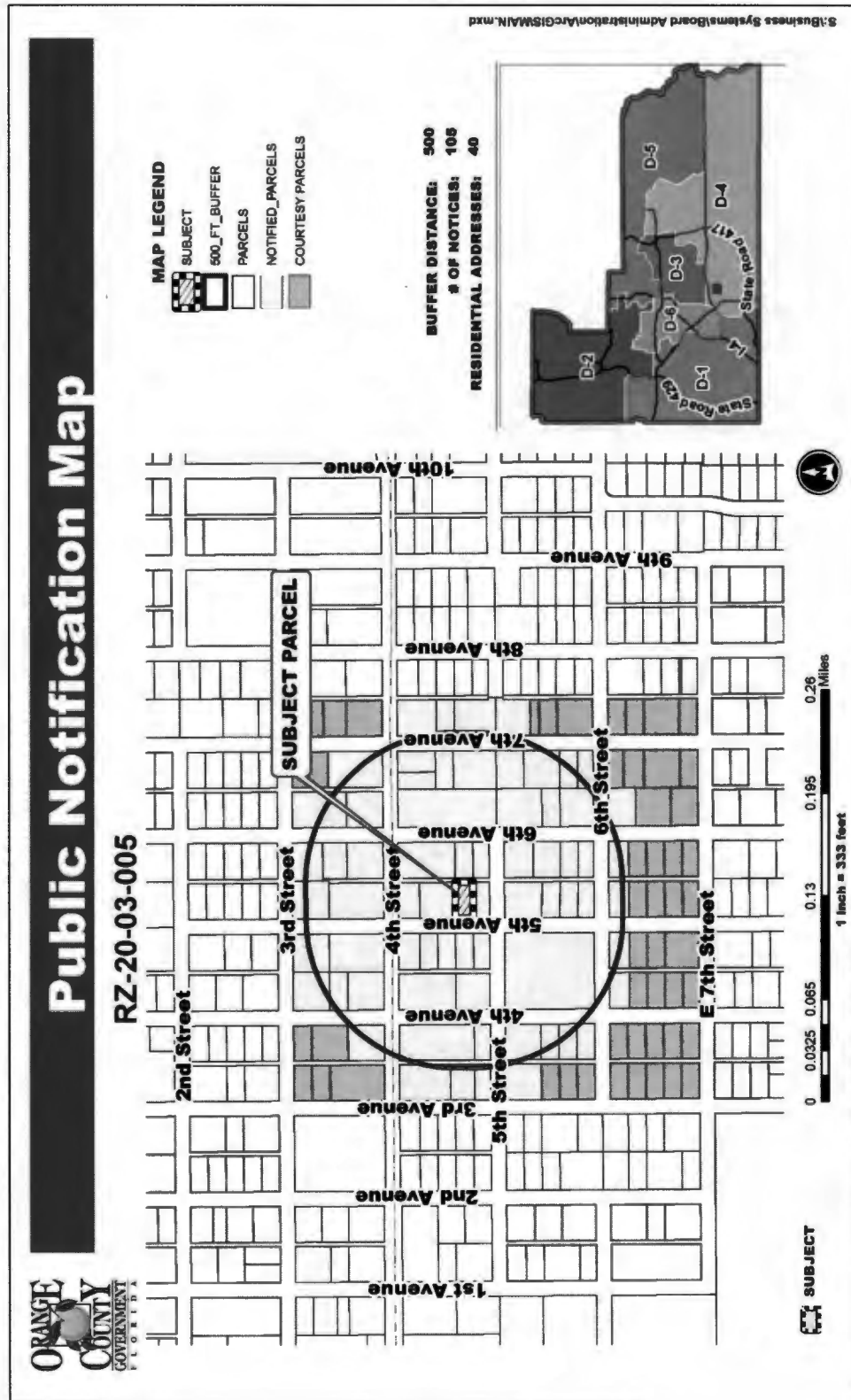


 Subject Property



1 inch = 186 feet

# Notification Map



**CASE # RZ-20-03-020**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Julian Ray Coto, Excel Engineering Consultants, LLC
<b>OWNER</b>	Mazariegos Rodriguez Jose Alberto
<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>	1719 Gayle Ridge Dr.; or generally north of Gayle Ridge Drive, approximately 600 feet south of Votaw Road
<b>PARCEL ID NUMBER</b>	11-21-28-3290-00-030
<b>TRACT SIZE</b>	1.07 gross acres
<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]. Two hundred twenty-one (221) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Three (3) single-family residential units (pending lot split approval)

**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.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling Districts), in order to construct three (3) single-family homes on a 162' x 287' wide lot totaling 1.07 gross acres, pending lot split approval. The subject property has been a lot of record within the Hamlin Heights subdivision since 1959.

This project site is located within the Wekiva Study Area and is part of the Apopka Joint Planning Area. The immediate area is developed with a combination of single-family detached dwelling units on varying lot sizes, as well as mobile homes. The residential enclave mostly consists of R-1(Single-Family Dwelling District) and A-1 (Citrus Rural District) zoning with some R-T-2 (Single-Family and Mobile Home District) zoning, making the proposed project compatible with the surrounding area.

**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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Apopka Joint Planning Area
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

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

**FLU1.4.1** 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.

**OS1.3.6** states residential land uses in the Urban Service Area, development with an overall size less than or equal to 100 acres – open space shall be 35% or greater.

## **SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-1 (Single-Family Dwelling District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957)

*\*No restrictions apply to the above zoning districts*

<b>Adjacent Land Uses</b>	N: Single-Family Residence E: Single-Family / Mobile Homes W: Single-Family Residence S: Nursery
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## **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.*

**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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.</p> <p>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 may apply.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 1/27/20, there is one failing roadway segment. Wekiwa Springs Road from Canter Club Trail to Orchard Drive. This information is dated and is subject to change.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orange County Utilities	8-inch watermain within Gayle Ridge Drive right-of-way
Wastewater:	Orange County Utilities	Not Currently Available
Reclaim Water:	Orange County Utilities	Not Currently Available

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

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**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**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.

The applicant was virtually present and agreed with staff recommendation. No members of the public were present to speak on this request during public comment. Staff indicated that two hundred twenty-one (221) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received two (2) responses in favor, and zero (0) response in opposition of the request.

Discussion ensued regarding onsite wastewater utilities available for the site. The applicant provided justification for not being able to comply with Commissioner Spears' and Commissioner Velazquez's request for an advanced treatment septic tank.

After additional discussion regarding any prohibitions of regular septic tanks in the Comprehensive Plan under the Aquifer Recharge Element policies, a motion was made by Commissioner Velazquez and seconded by Commissioner Nazario to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

The motion carried on a 8-1 vote with the Chairman voting in the negative.

**Motion / Second**

*Diane Velazquez / Carlos Nazario*

**Voting in Favor**

*Diane Velazquez, Carlos Nazario, Jimmy Dunn, Evelyn Cardenas, JaJa Wade, Mohammed Abdallah, Nelson Pena, and Eddie Fernandez*

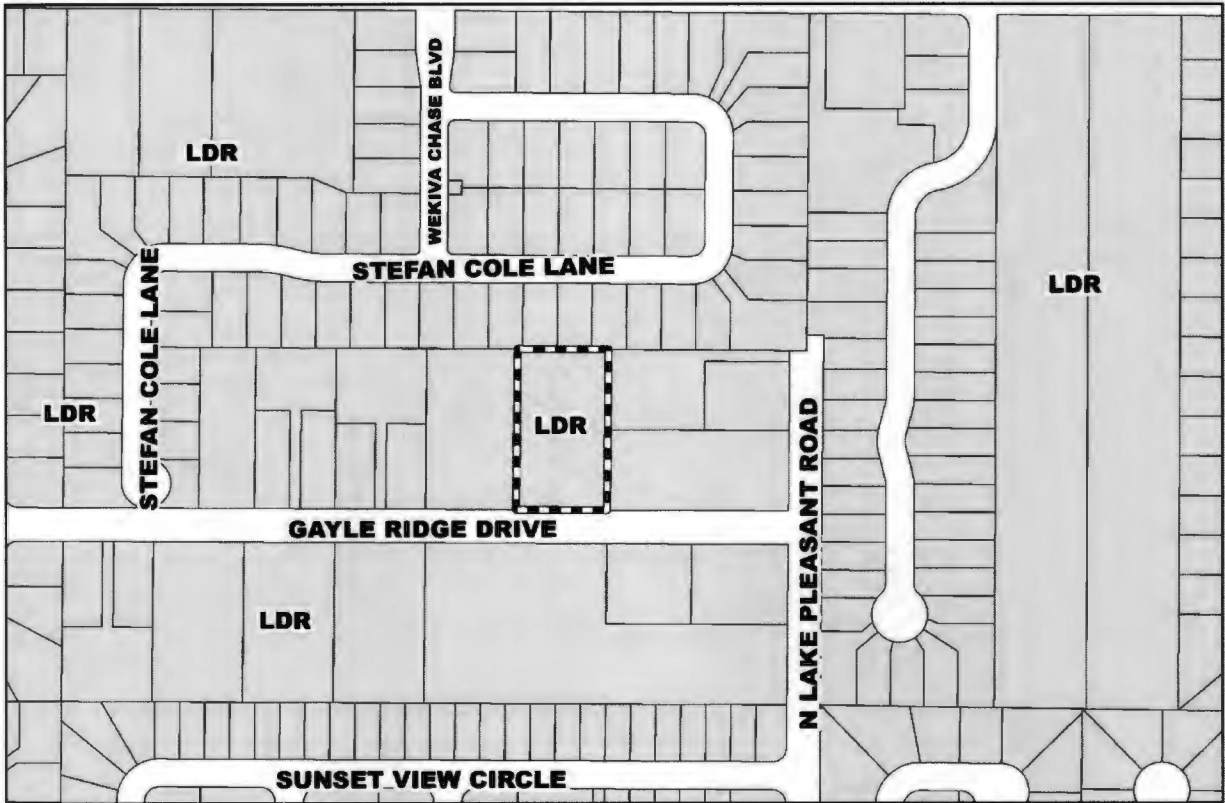
**Voting in Opposition**

*Gordon Spears*

**Absent**

*None*

RZ-20-03-020



 Subject Property



 Subject Property

### Future Land Use Map

ZONING: Low Density Residential (LDR)

APPLICANT: Julian Ray Coto

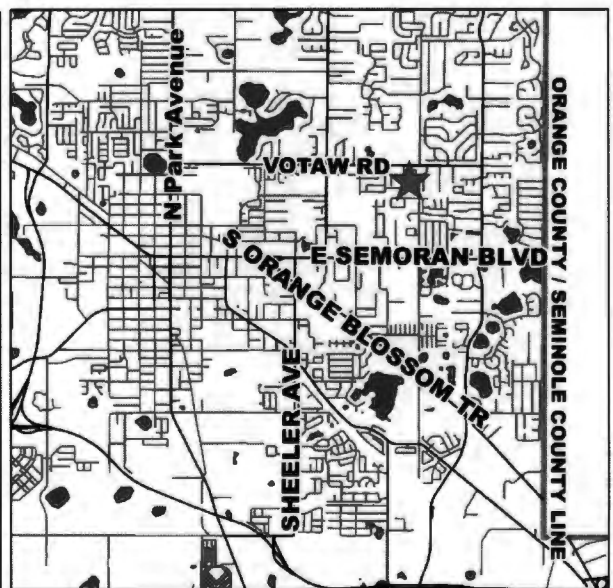
LOCATION: 1719 Gayle Ridge Dr.; or generally located north of Gayle Ridge Drive, approximately 600 feet south of Votaw Road.

TRACT SIZE: 1.07 gross acres

DISTRICT: #2

S/T/R: 11/21/28

1 inch = 280 feet



RZ-20-03-020



 Subject Property



 Subject Property

**Zoning Map**

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

**APPLICANT:** Julian Ray Coto

**LOCATION:** 1719 Gayle Ridge Dr.; or generally located north of Gayle Ridge Drive, approximately 600 feet south of Votaw Road.

**TRACT SIZE:** 1.07 gross acres

**DISTRICT:** #2

**S/T/R:** 11/21/28

1 inch = 280 feet



RZ-20-03-020



 Subject Property



1 inch = 205 feet

Alternative Mobility Area Context Map

RZ-20-03-020

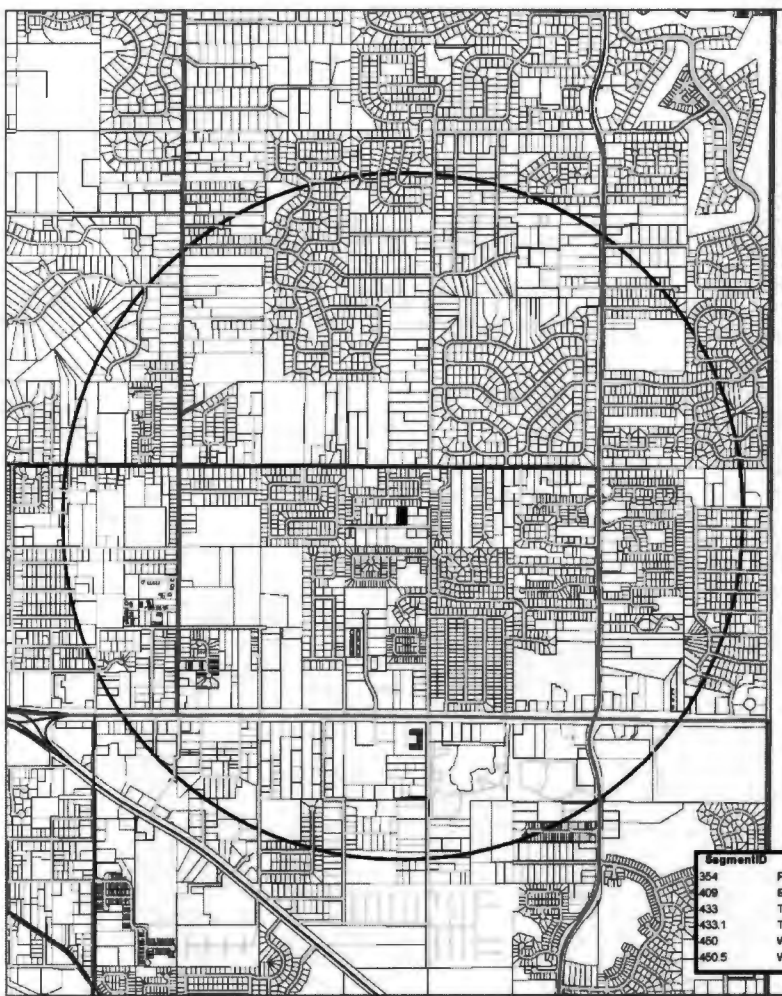
**Legend**

- Major Streets
- Roads Base
- Segment\_ID
- Major Streets
- Streets
- ▭ PA\_PARCELS\_Buffer459
- ▭ Horizon West Boundary
- ▭ County Boundary
- ▭ Parcels



Date: 1/24/2020

SegmentID	Road Name	From	To
354	Piedmont-Welkew's Road	Orange Blossom Trail	Semoran Boulevard
409	Semoran Boulevard	Orange Blossom Trail	Seminole County Line
433	Thompson Road	Semoran Boulevard	Votaw Road
433.1	Thompson Road	Votaw Road	Welch Road
460	Welkew's Springs Road	Semoran Boulevard	Center Club Trail
460.5	Welkew's Springs Road	Center Club Trail	Orchard Drive



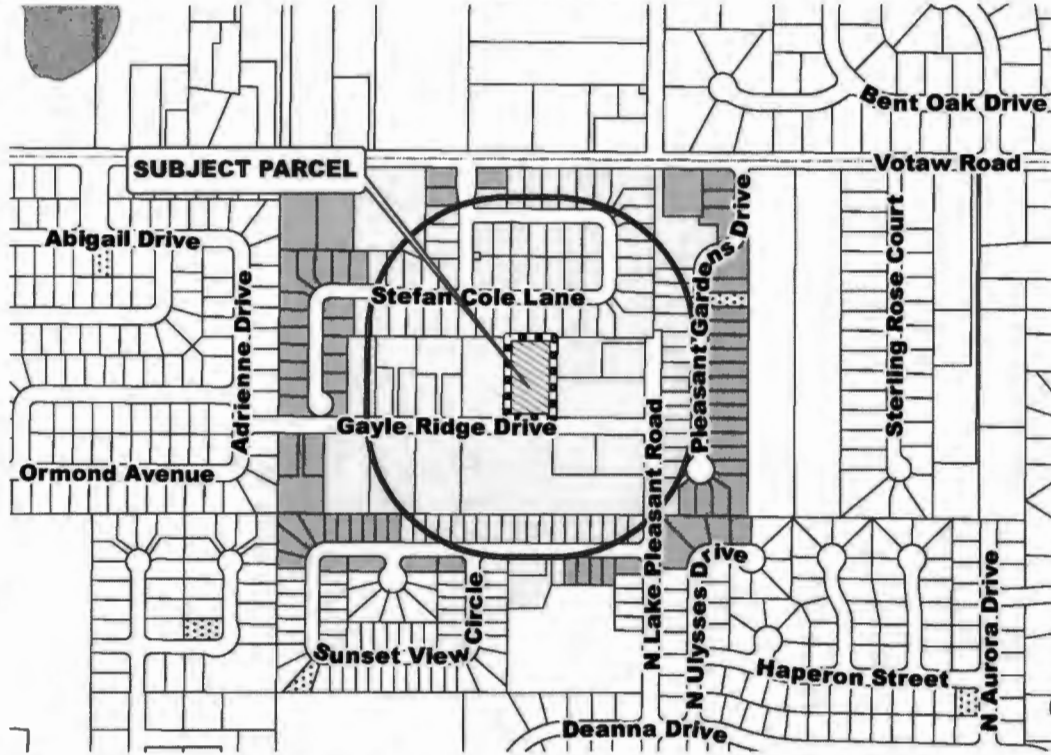
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# Public Notification Map

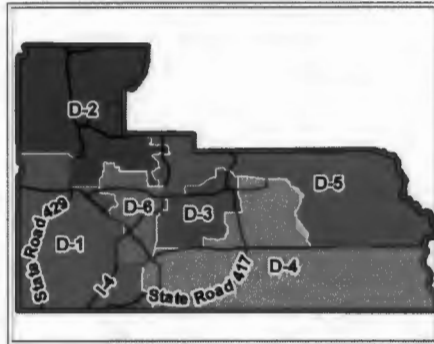
RZ-20-03-020



### MAP LEGEND

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

**BUFFER DISTANCE:** 500  
**# OF NOTICES:** 221  
**RESIDENTIAL ADDRESSES:** 101



SUBJECT

0 0.0425 0.085 0.17 0.255 0.34 Miles

1 Inch = 417 feet



S:\Business Systems\Board Administration\2\_PZ\2020\3-MAR\HRZ\_20-03-020\RZ\_20-03-020.mxd

## Notification Map

Case # RZ-20-03-020  
 Orange County Planning Division  
 PZC Hearing Date: May 21, 2020

**CASE # RZ-20-03-021**  
Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Juliet N. Nah
<b>OWNERS</b>	Almark Health Services, Inc. and Texus Wallace Trust UAD
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	P-O (Professional Office District) to R-3 (Multiple-Family Dwelling District)
<b>LOCATION</b>	6609 La Jolla Street, or generally south of West Colonial Drive, approximately 610 feet east of North Hiawassee Road
<b>PARCEL ID NUMBER</b>	25-22-28-0000-00-063
<b>TRACT SIZE</b>	1.50 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]. One hundred nineteen (119) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Bed and Breakfast Inn

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-3 (Multiple-Family Dwelling District) zoning, subject to the following restrictions:**

- 1) The allowable use for this property shall be restricted to Bed and Breakfast Inn.
- 2) Applicant shall comply with Section 38-1425(2) of the Orange County Code.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

This subject property is located south of West Colonial Drive, approximately 610 feet east of North Hiawasse Road, and is currently developed with a 6,825 square foot structure on 1.50 acres.

The property is surrounded by single-family residential homes on varying lot sizes to the east and apartments to the north. The subject property has been operating as an Assisted Living Facility since 2014.

Through this request, the applicant is seeking to rezone the parcel from P-O (Professional Office) to R-3 (Multiple-Family Dwelling District) in order to operate a Bed and Breakfast Inn.

Orange County Code Section 38-78, allows for Bed and Breakfast Inns as a permitted use in R-3 zoning districts through a Special Exception if the use is compatible with the surrounding neighborhood or area and can comply with Section 38-1425 of the Orange County Code.

**Land Use Compatibility**

The R-3 (Multiple-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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR). The proposed R-3 (Multi-Family Dwelling District) zoning is consistent with the MDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

**N6.2.1** states the Pine Hills Neighborhood Improvement District is designated for redevelopment or infill.

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

**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.

**GOAL N1** states the Comprehensive Plan shall maintain the residential character of neighborhoods through land use regulations.

**SITE DATA**

<b>Existing Use</b>	Assisted Living Facility
<b>Adjacent Zoning</b>	N: R-3 (Multiple-Family Dwelling District) (1973) E: P-O (Professional Office District) (1987) W: R-3 Florida Department of Transportation Pond (FDOT) S: R-1AA (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
<b>Adjacent Land Uses</b>	N: Apartments E: Single Family Residence W: FDOT Pond S: Highway

**R-3 (Multiple-Family Dwelling District) Development Standards**

<u>One-Family Dwelling</u>	
Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.

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Min. Living Area: 1,000 sq. ft.

**Building Setbacks:**

*Front:* 20 ft.  
*Rear:* 20 ft.  
*Side:* 5 ft.  
*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 20 ft.  
*Side:* 5 ft.  
*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 30 ft.  
*Side:* 10 ft.  
*Side Street:* 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:  
*Front:* 20 ft.  
*Rear:* 30 ft.  
*Side:* 10 ft. (30 ft. where adjacent to single-family)  
*Side Street:* 15 ft.

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

**Intent, Purpose, and Uses**

The areas included in R-3 multiple-family dwelling districts are primarily residential in character. Residential uses are permitted at high population densities.

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area AMA. The following is a list of alternative modes within the project area: There are existing state maintained sidewalks/bike path along W. Colonial Drive from N. Powers Drive to Dorscher Road. Orange County maintained sidewalks are existing along N. Hiawasse Road from Old Winter Garden Road to Balboa Drive. LYNX bus link #37 Park Promenade Plaza/Florida Mall; #105 West Colonial Drive/Winter Garden. There are a total of (6) six bus stops (2) sheltered and (4) uncovered, within the project area</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

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Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	8-inch gravity main within La Jolla right-of-way
Reclaim Water	Orange County Utilities	Not currently available

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-3 (Multiple-Family Dwelling District) zoning, subject to the following restrictions:**

- 1) The allowable use for this property shall be restricted to Bed and Breakfast Inn.
- 2) Applicant shall comply with Section 38-1425(2) of the Orange County Code.

**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-3 (Multiple-Family Dwelling District) zoning.

The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request during public comment.

Staff indicated that one hundred nineteen (119) notices were sent to property owners extending beyond 1,000 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

Discussion ensued regarding guidelines under section 38-1425(2) for operating a Bed and Breakfast Inn, and any enforceable actions that Orange County can take if the property was used for transient rental or short-term rental.

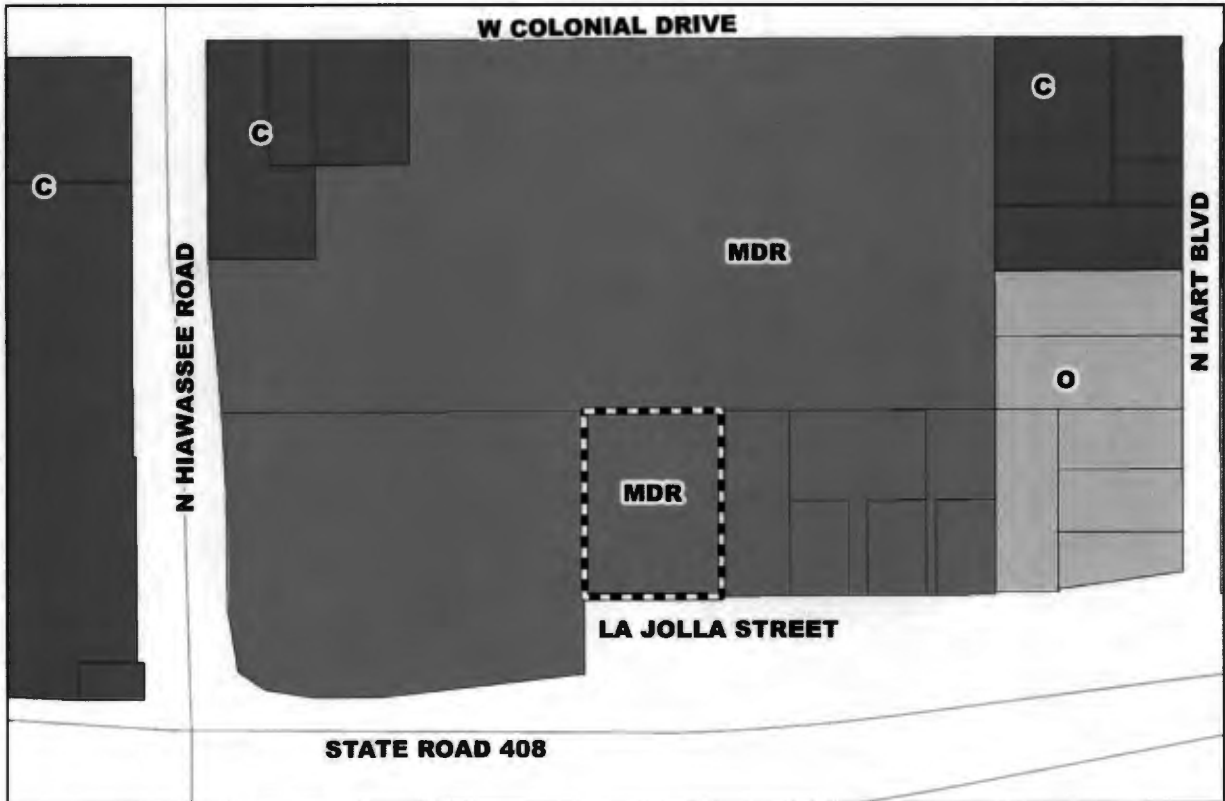
After discussion on restrictions for the allowable use, a motion was made by Commissioner Wade, and seconded by Commissioner Pena to recommend APPROVAL of the requested R-3 (Multiple-Family Dwelling District) zoning, subject to two (2) restrictions.

The motion carried on a 8-0 vote.

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



RZ-20-03-021



Subject Property



Subject Property

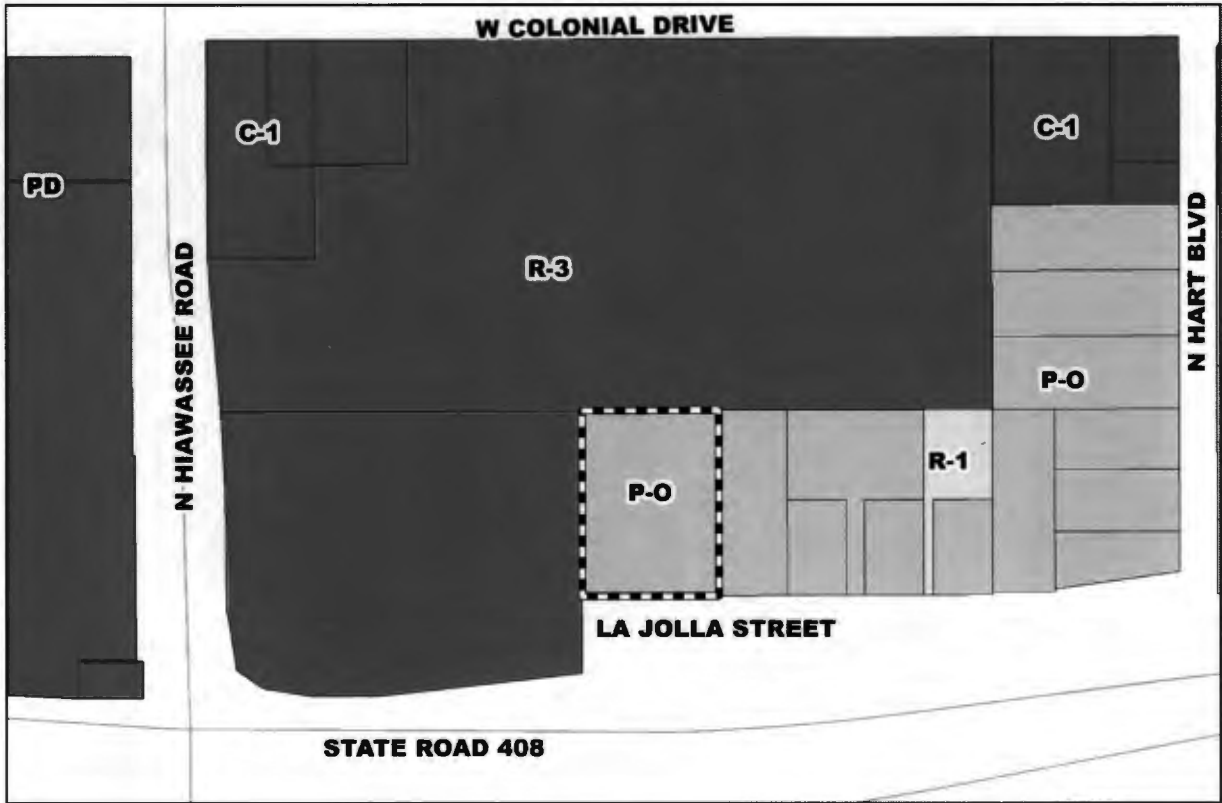
### Future Land Use Map

**FLUM:** Medium Density Residential (MDR)  
**APPLICANT:** Julliet N. Jah  
**LOCATION:** 6609 La Jolla Street, or generally located south of West Colonial Drive, approximately 610 feet east of North Hiwassee Road.  
**TRACT SIZE:** 1.50 gross acres  
**DISTRICT:** #6  
**S/T/R:** 25/22/28

1 inch = 250 feet



RZ-20-03-021



 Subject Property



★ Subject Property

**Zoning Map**

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

**APPLICANT:** Juliet N. Jah

**LOCATION:** 6609 La Jolla Street, or generally located south of West Colonial Drive, approximately 610 feet east of North Hiawasse Road.

**TRACT SIZE:** 1.50 gross acres

**DISTRICT:** #6

**S/T/R:** 25/22/28

1 inch = 250 feet



RZ-20-03-021



 Subject Property



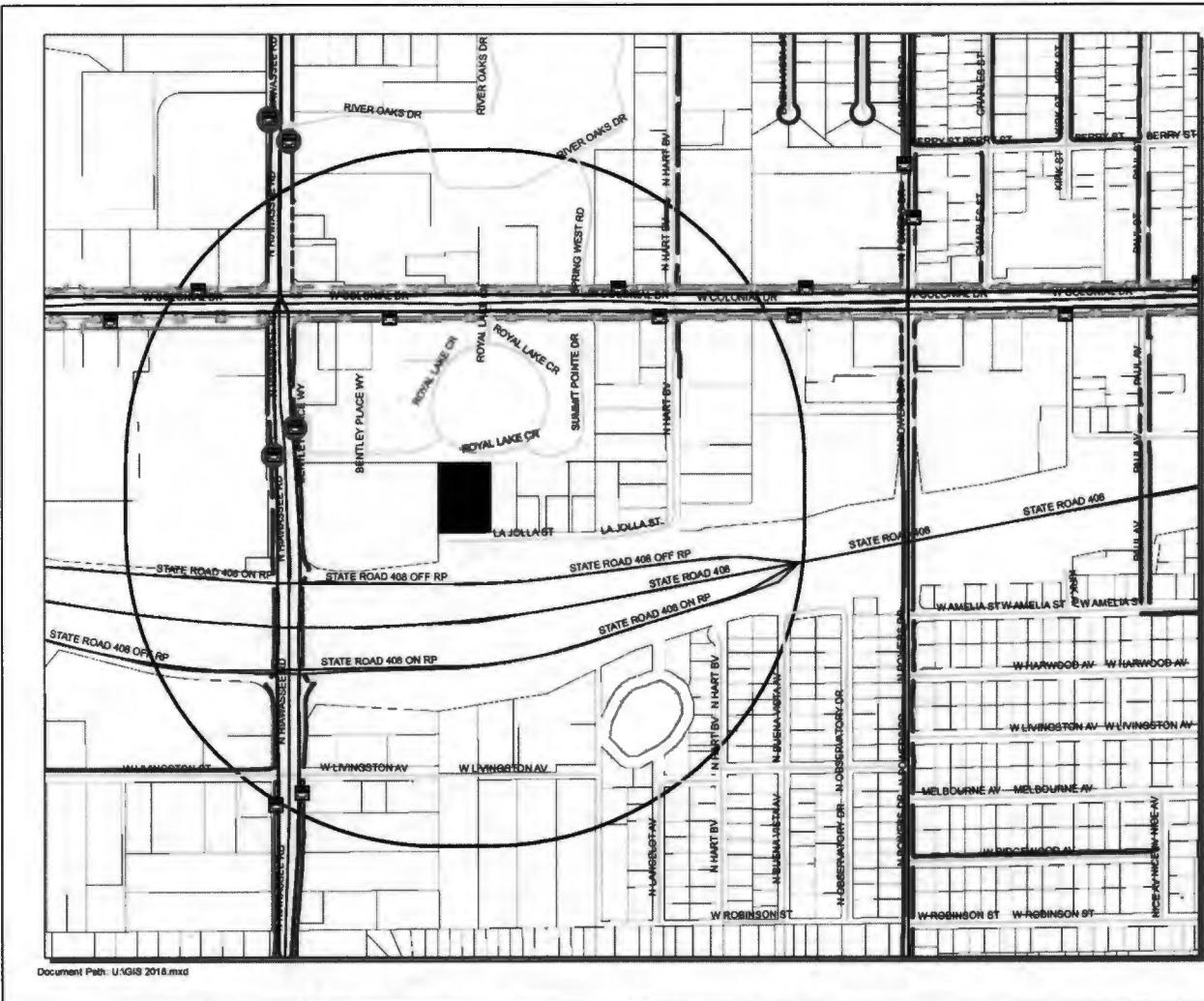
1 inch = 250 feet

Alternative Mobility Area Context Map

RZ-20-03-021

**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\_Buffer472
- Horizon West Boundary
- County Boundary
- Parcels

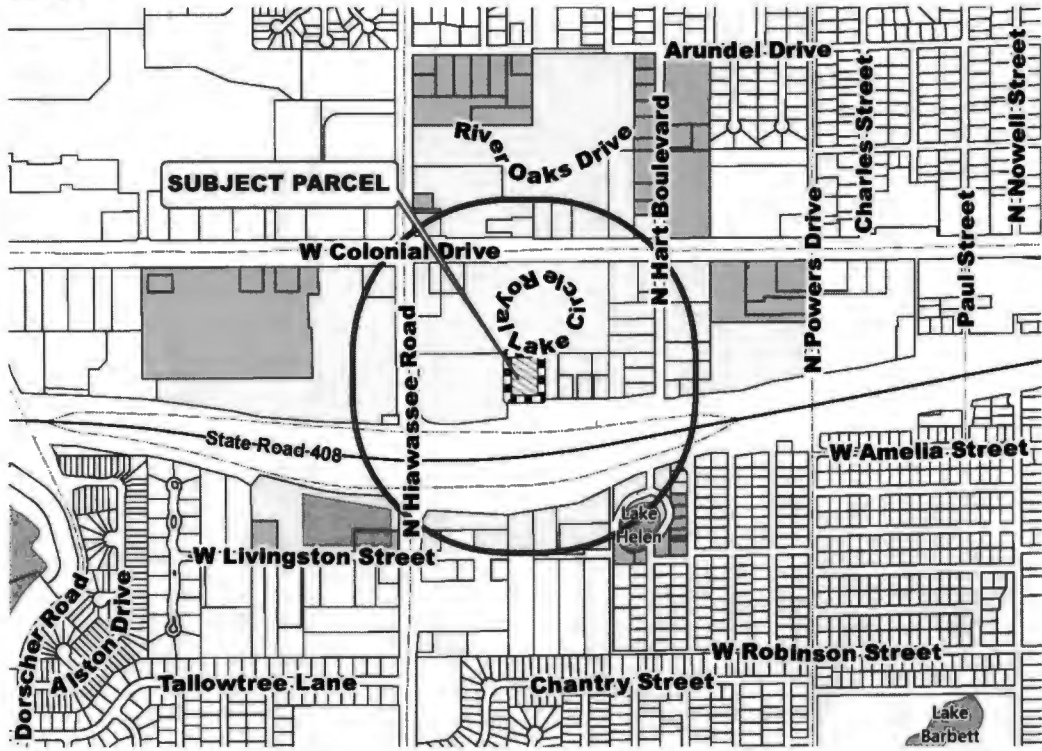


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# Public Notification Map

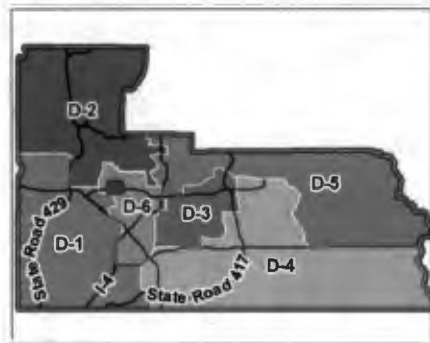
## RZ-20-03-021



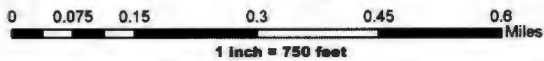
### MAP LEGEND

- SUBJECT
- 1000\_FT\_BUFFER
- PARCELS
- HYDROLOGY
- NOTIFIED\_PARCELS
- COURTESY PARCELS

**BUFFER DISTANCE:** 1000  
**# OF NOTICES:** 119  
**RESIDENTIAL ADDRESSES:** 87



SUBJECT



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## Notification Map

Case # RZ-20-03-021  
 Orange County Planning Division  
 PZC Hearing Date: May 21, 2020

**CASE # RZ-20-03-023**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Tony Grant
<b>OWNERS</b>	Tony Grant
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1 (Single-Family Dwelling District) to R-2 (Residential District)</b>
<b>LOCATION</b>	6762 Magnolia Homes Road; or generally north of Doctor Love Road, approximately 30 feet west of Magnolia Homes Road
<b>PARCEL ID NUMBER</b>	32-21-29-4877-00-164
<b>TRACT SIZE</b>	0.63-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]. Three hundred and forty (340) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Three (3) Single-Family Dwelling Units (pending lot split approval)

**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 restriction:**

- 1) The development shall be limited to three (3) single-family detached dwelling units.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject property from R-1 (Single-Family Dwelling District) to R-2 (Residential District) in order to construct three (3) single-family homes, pending lot split approval. The property is currently undeveloped within the Urban Service Area.

The immediate area is established with a mixture of single-family detached dwelling units, duplexes, and triplexes on varying lot sizes, with the majority of lots being 100 feet wide. While most of the area retains its original zoning designations, the adjacent properties to the east were rezoned to R-2 (Residential District) in 1989. The area to the west of the subject property was rezoned to R-3 (Multi-Family Dwelling District) in 1973.

**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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR). The proposed R-2 (Residential District) zoning is consistent with the MDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with 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.

**OS1.3.6** states residential land uses in the Urban Service Area, development with an overall size less than or equal to 100 acres – open space shall be 35% or greater.

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-1 (Residential District) (1957) E: R-2 (Residential District) (1989) W: R-3 (Multiple-Family Dwelling District) (1973) S: R-1 (Residential District) (1957) <i>*No restrictions apply to the above zoning districts</i>
<b>Adjacent Land Uses</b>	N: Duplex E: Single-Family Residence W: Triplex S: Duplex



**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.

**Intent, Purpose, and 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**

**Staff Comments**

	<b>Yes</b>	<b>No</b>	<b>Information</b>
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.</p> <p>Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.</p> <p>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 may apply.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area. Orange County maintained sidewalks along Magnolia Homes Road from Edgewater</p>

			Drive to Riverside Park and along Doctor Love Road to Sherry Drive. LYNX bus link #9 Winter Park / Rosemont. There are (4) four bus stops within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orange County Utilities	16-inch watermain within Magnolia Homes right-of-way and 10-inch watermain within Doctor Love right-of-way
Wastewater:	Orange County Utilities	20-inch forcemain within Magnolia Homes right-of-way and 4-inch forcemain within Doctor Love right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

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

- 1) The development shall be limited to three (3) single-family detached 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-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation.

No members of the public were present to speak on this request during public comment. Staff indicated that three hundred and forty (340) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request.

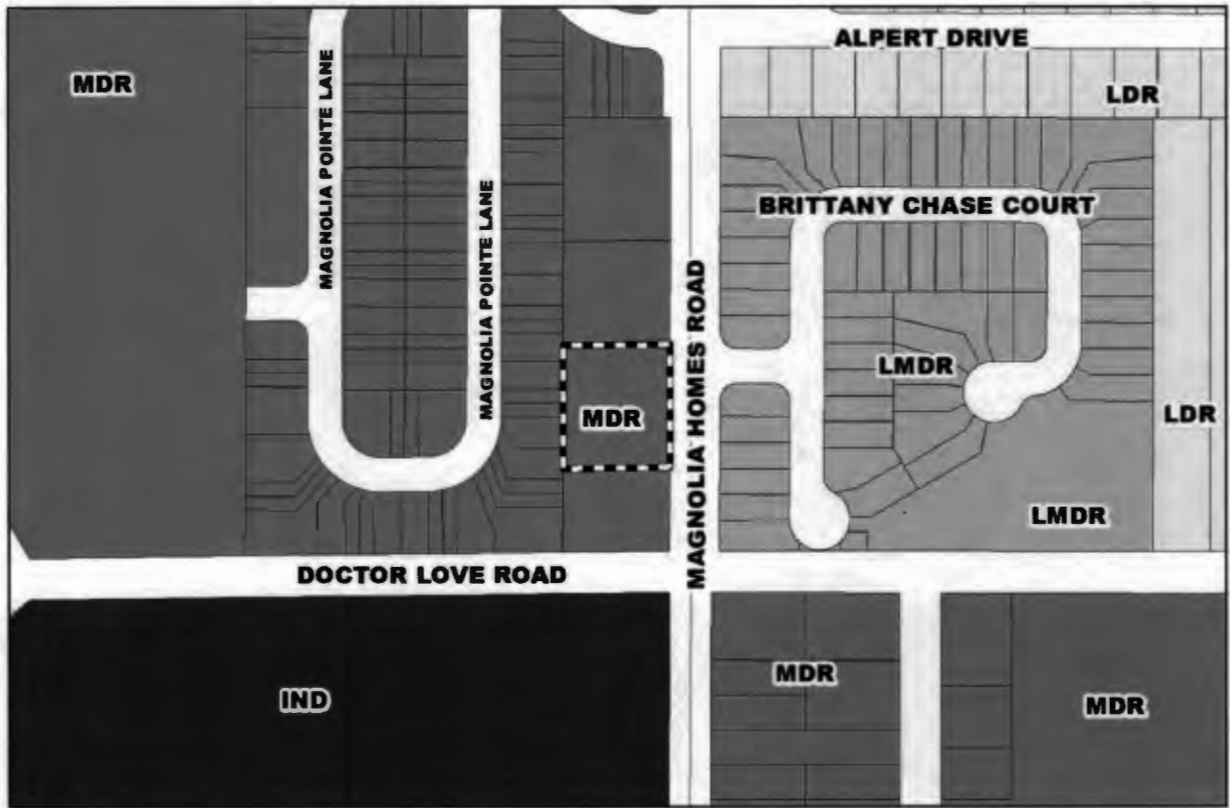
Discussion ensued regarding available onsite wastewater utilities for the proposed project. The applicant said he intends to connect to the 130 feet manhole for wastewater.

A motion was made by Commissioner Velazquez and seconded by Commissioner Pena to recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to one (1) restriction.

The motion carried on a 9-0 vote.

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

RZ-20-03-023



Subject Property

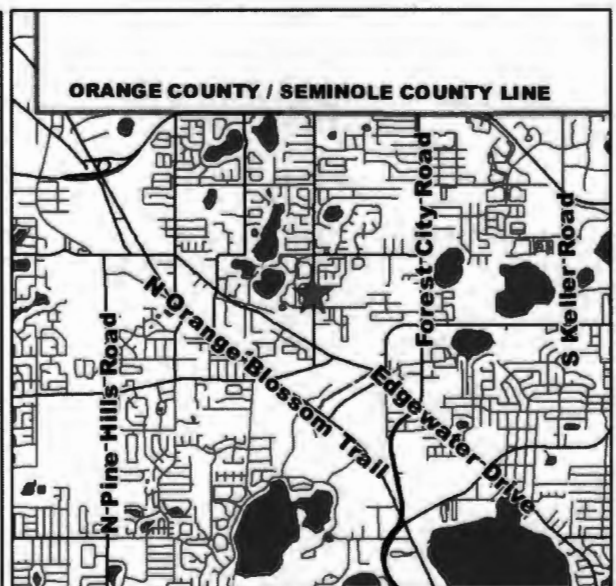


Subject Property

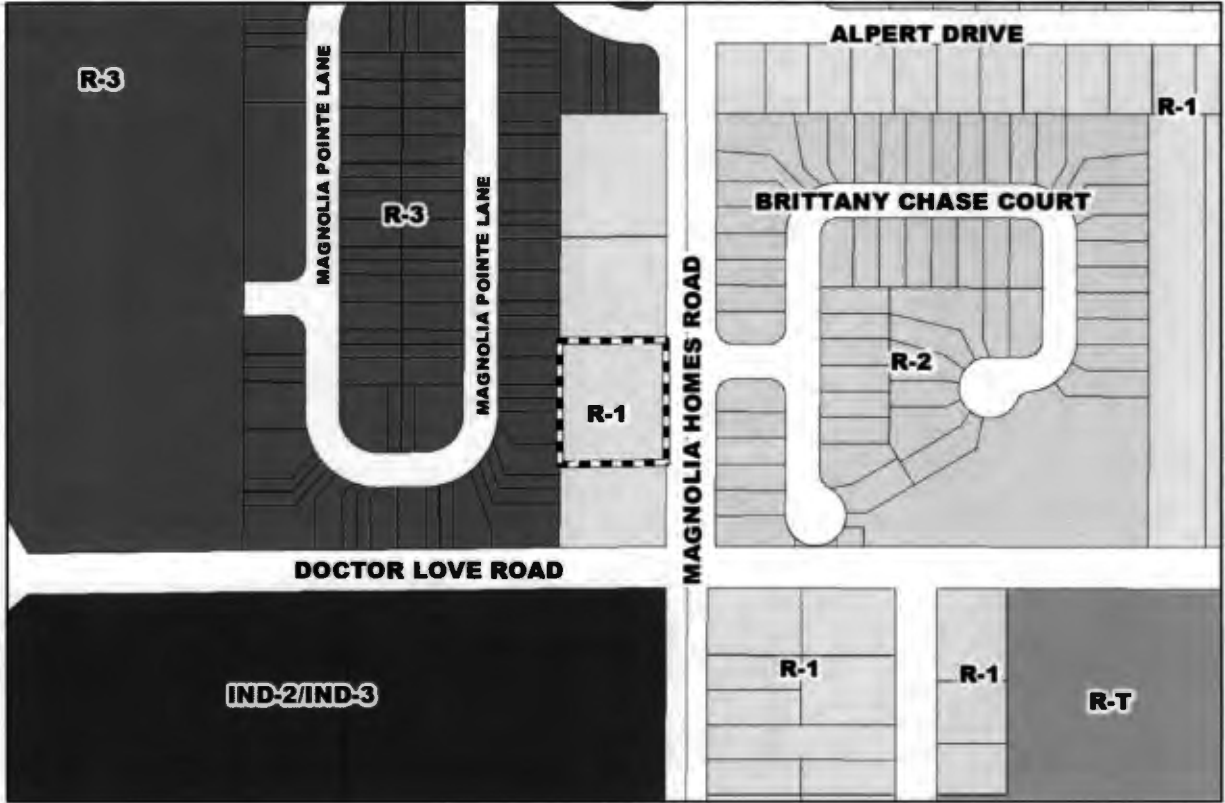
### Future Land Use Map

**FLUM:** Medium Density Residential (MDR)  
**APPLICANT:** Tony Grant  
**LOCATION:** 6762 Magnolia Homes Road; or generally north of Doctor Love Road, approximately 30 feet west of Magnolia Homes Road  
**TRACT SIZE:** 0.63-gross acre  
**DISTRICT:** #2  
**S/TR:** 32/21/29

1 inch = 225 feet




RZ-20-03-023



 Subject Property



 Subject Property

**Zoning Map**

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

**APPLICANT:** Tony Grant

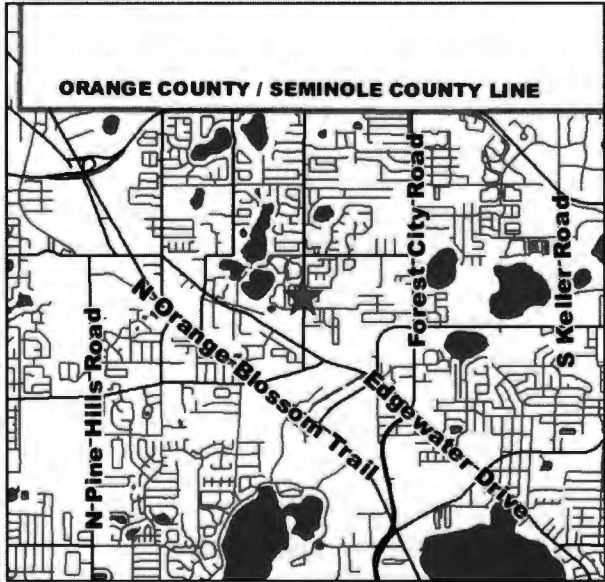
**LOCATION:** 6762 Magnolia Homes Road; or generally north of Doctor Love Road, approximately 30 feet west of Magnolia Homes Road

**TRACT SIZE:** 0.63-gross acre

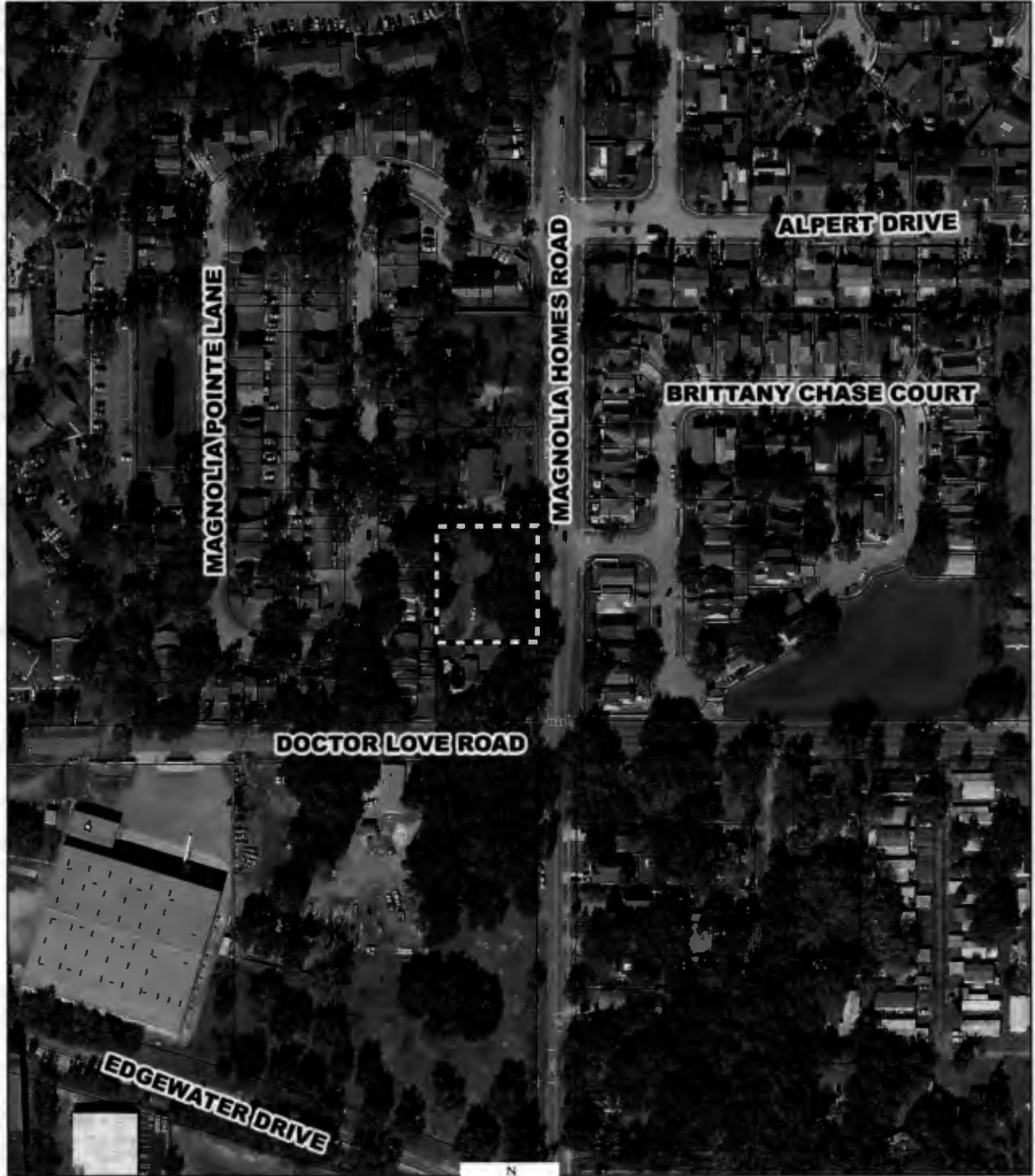
**DISTRICT:** #2

**S/T/R:** 32/21/29

1 inch = 225 feet



RZ-20-03-023



 Subject Property



1 inch = 200 feet

Alternative Mobility Area Context Map

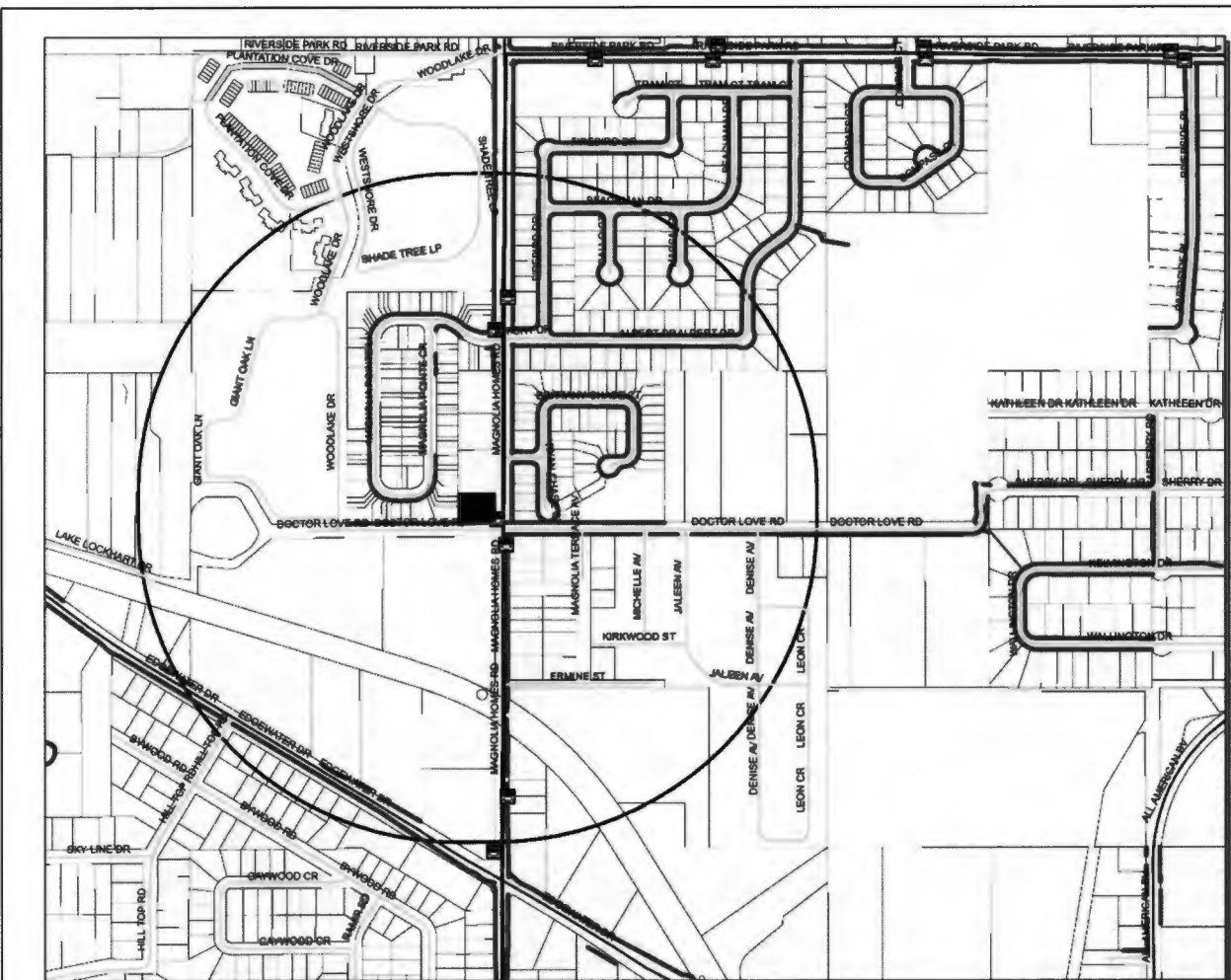
RZ-20-03-023

**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\_Buffer474
- Horizon West Boundary
- County Boundary
- Parcels



Date: 2/10/2020



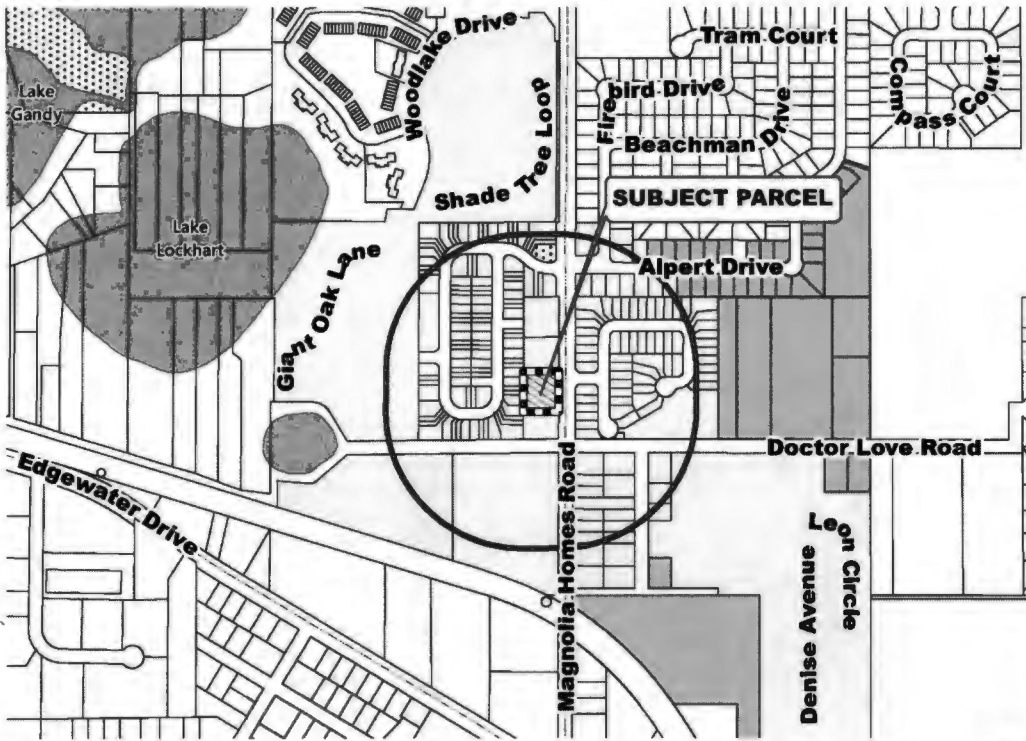
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# Public Notification Map

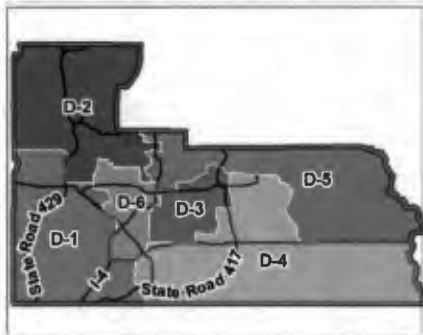
## RZ-20-03-023



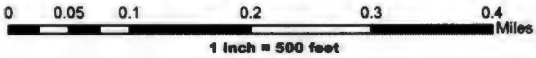
### MAP LEGEND

-  SUBJECT
-  600\_FT\_BUFFER
-  PARCELS
-  HYDROLOGY
-  NOTIFIED PARCELS
-  COURTESY PARCELS
-  ADDTL PARCELS

**BUFFER DISTANCE: 600**  
**# OF NOTICES: 340**  
**RESIDENTIAL ADDRESSES: 144**



 SUBJECT



S:\Bunton\System\Systems\Board Administration\3\_PZC\2020\03-MARCH\RZ-20-03-023\RZ-20-03-023.mxd

## Notification Map

Case # RZ-20-03-023  
 Orange County Planning Division  
 PZC Hearing Date: May 21, 2020

**CASE # RZ-20-03-025**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Peter Duke
<b>OWNERS</b>	David E. Lassiter
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) to <b>R-1</b> (Single-Family Dwelling District)
<b>LOCATION</b>	2514 Shannon Road; or generally southwest of the intersection of Shannon Road and Clark Street, approximately 540 feet east of S. Bumby Avenue
<b>PARCEL ID NUMBER</b>	06-23-30-6788-03-130
<b>TRACT SIZE</b>	0.34-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-four (164) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Two (2) detached single-family residences, pending lot split approval

**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.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the 0.34-gross acre property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two (2) single-family homes, pending lot split approval.

The subject property was originally platted on March 25, 1952, and is shown as two (2) fifty (50) foot wide lots on the 'Pelham Park' plat. The property is currently developed with a single-family dwelling unit, constructed in 1935. It will need to be demolished in order to revert back to the original platted lots. The proposed development of two (2) single-family homes will rely on septic systems.

The immediate area is developed with single-family dwelling units on lots varying from fifty (50) feet in width to one hundred (100) feet in width. In 2005, one rezoning request for the property to the west was approved to allow for R-1 (Single-Family Dwelling District) zoning with two (2) restrictions: the subject property shall be limited to two (2) lots, and the minimum living area shall be 1,200 square foot under heat and air.

**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.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent 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.

**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>	Single-Family Dwelling
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957)
<b>Adjacent Land Uses</b>	N: Single-Family Dwelling E: Single-Family Dwelling W: Single-Family Dwelling S: Single-Family Dwelling

### **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. Living 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**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.  Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 2/13/20, there is available capacity to be encumbered for this project. This information is dated and is subject to change. A capacity encumbrance application will be required at time of building permit.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	The nearest gravity mains are located approximately 4,000 feet from the property

**State of Florida Notice**

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or

fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**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**

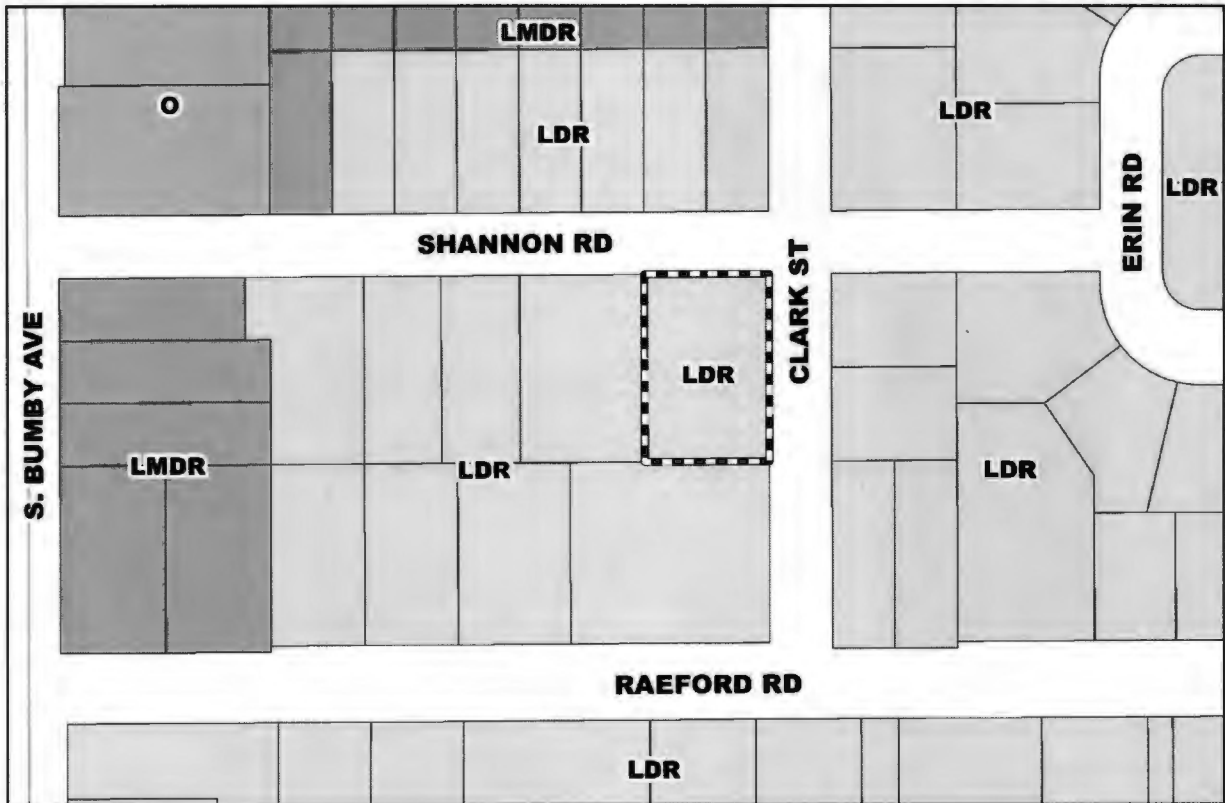
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred sixty-four (164) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received one (1) response in opposition, and one (1) response in favor of the request.

There was no discussion on the proposed two (2) single-family residential dwelling units. A motion was made by Commissioner Fernandez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 9-0 vote.

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

RZ-20-03-025



 Subject Property



★ Subject Property

**Future Land Use Map**

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

**APPLICANT:** Peter Duke

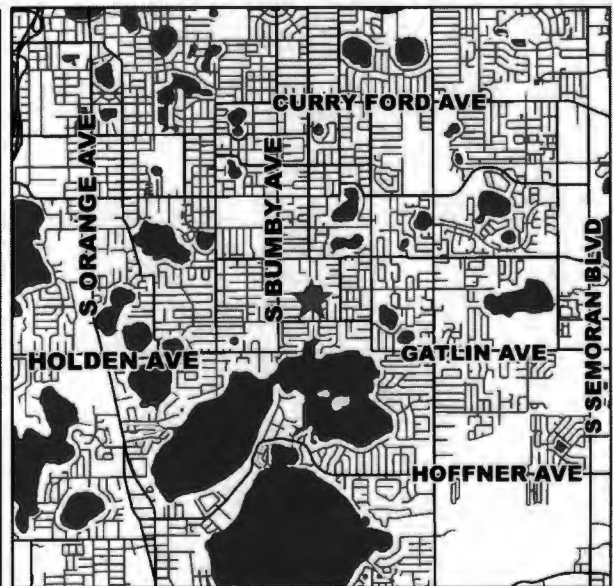
**LOCATION:** 2514 Shannon Road; generally southwest of the intersection of Shannon Road and Clark Street, approximately 540 feet east of S. Bumby Avenue

**TRACT SIZE:** 0.34-gross acre

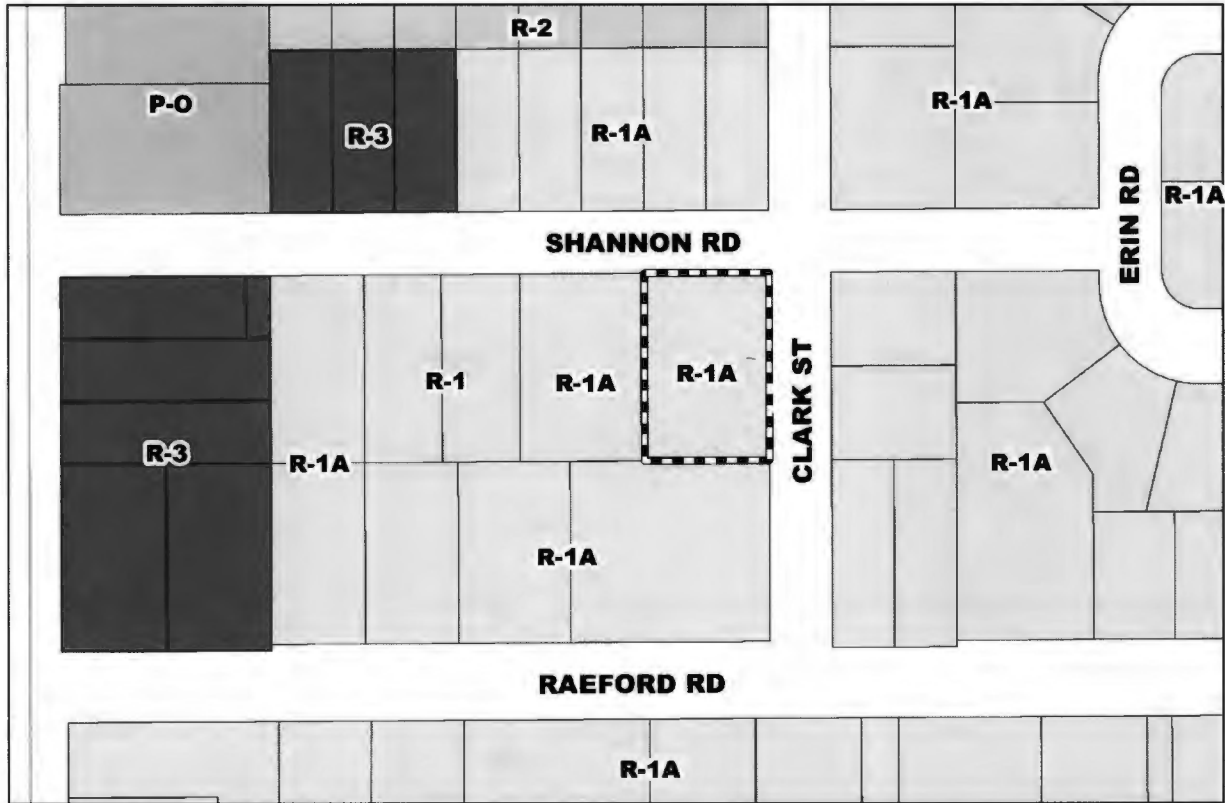
**DISTRICT:** #3

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

1 inch = 125 feet



RZ-20-03-025



 Subject Property



★ Subject Property

**Zoning Map**

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

**APPLICANT:** Peter Duke

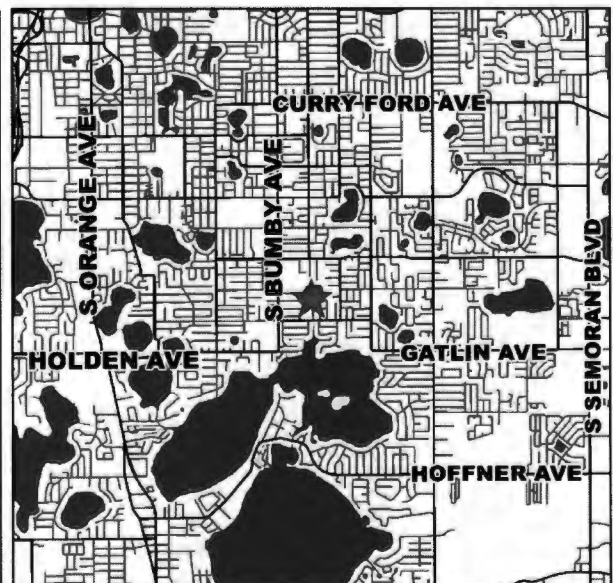
**LOCATION:** 2514 Shannon Road; generally southwest of the intersection of Shannon Road and Clark Street, approximately 540 feet east of S. Bumby Avenue

**TRACT SIZE:** 0.34-gross acre

**DISTRICT:** #3

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

1 inch = 125 feet





RZ-20-03-025



 Subject Property

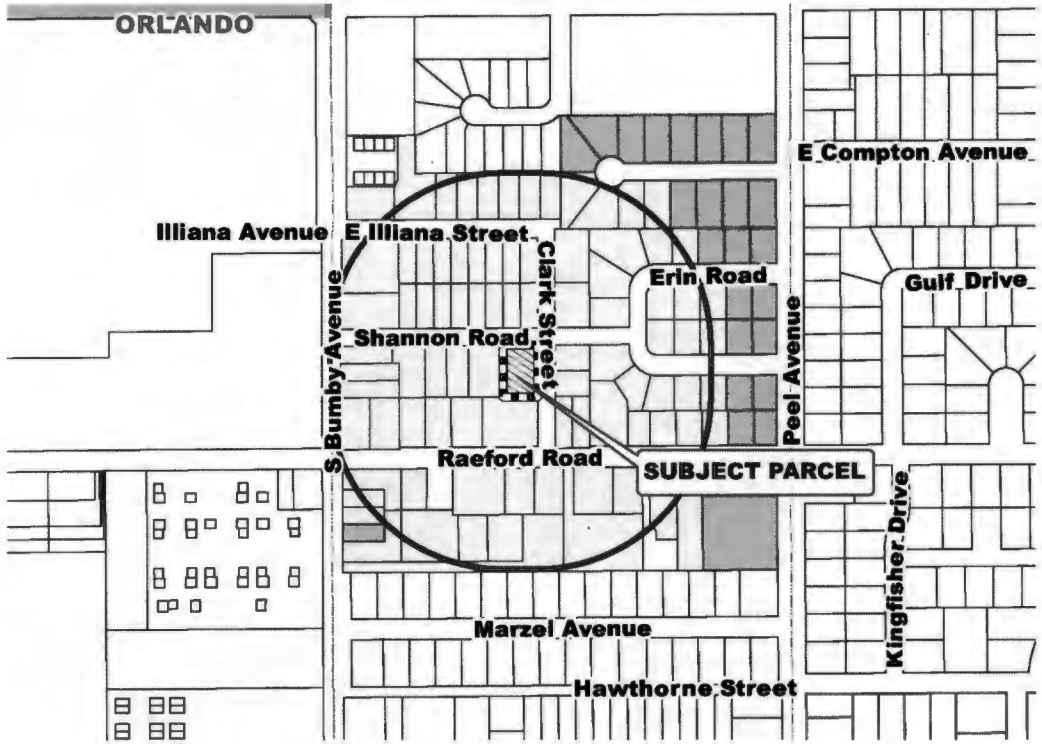


1 inch = 125 feet



# Public Notification Map

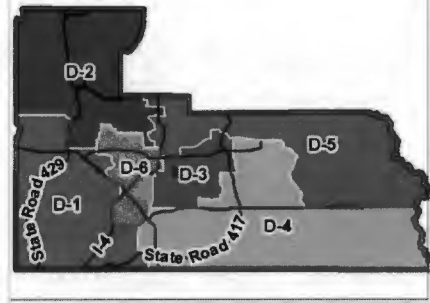
## RZ-20-03-025



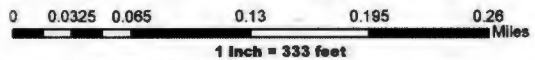
### MAP LEGEND

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

**BUFFER DISTANCE: 500**  
**# OF NOTICES: 164**  
**RESIDENTIAL ADDRESSES: 64**



SUBJECT



S:\Bumby\GIS\GISMAIN\Admin\trt\trt\GISMAIN.mxd

## Notification Map

**Case # RZ-20-03-025**  
**Orange County Planning Division**  
**PZC Hearing Date: May 21, 2020**

**CASE # RZ-20-03-026**

Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Al Tehrani, P.E, Tehrani Consulting Engineering
<b>OWNERS</b>	Annetta Nasir
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District)</b>
<b>LOCATION</b>	6313 and 6317 Old Winter Garden Road; or generally northwest of the Old Winter Garden Road and S. Observatory Drive intersection
<b>PARCEL ID NUMBER</b>	25-22-28-6420-04-260, 25-22-28-6420-04-280
<b>TRACT SIZE</b>	0.31-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 eighteen (118) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Office and Retail

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial 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 C-1 uses; and
- 3) Parcels 25-22-28-6420-04-260 and 25-22-28-6420-04-280 shall be aggregated into one (1) lot prior to the issuance of any use permit; and

- 4) Vehicular access shall only be allowed from Old Winter Garden, and prohibited from S. Observatory drive.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant is seeking to rezone the subject 0.31-acre parcel from R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) in order to construct an office and retail building. The subject property currently consists of two vacant lots. The Type "C" buffer is required due to the adjacency of residential to the north and west of the subject property.

The surrounding area can be characterized as having a mixture of commercial and residential uses along Old Winder Garden Road, with single-family to the north. The subject property is one of the few R-3 (Multiple-Family Dwelling District) zoned parcels within this corridor, which is inconsistent with the underlying Commercial (C) FLUM designation. This rezoning would make the property consistent with its FLUM designation.

**Land Use Compatibility**

The C-1 (Retail Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-1 (Retail Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent 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>	Vacant Residential
<b>Adjacent Zoning</b>	N: R-3 (Multiple-Family Dwelling District) (1957) E: C-1 (Retail Commercial District) (1982) W: R-3 (Multiple-Family Dwelling District) (1957) S: C-2 (General Commercial District) (1982) (1976)
<b>Adjacent Land Uses</b>	N: Single-Family Dwelling E: Warehousing W: Single-Family Dwelling S: Office

### **C-1 [Retail Commercial District] Development Standards**

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major streets, see Article XV) 60 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: 20 ft. (20 ft. when abutting residential)  
Side: 0 ft. (15 ft. when abutting residential)

**Intent, Purpose, and Uses**

The intent and purpose of this C-1 retail commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.  
Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.  Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area AMA. The following is a list of alternative modes within the project

			area: Orange county maintained sidewalks exist along Old Winter Garden Road from S. Hudson Street to S. Hiawassee Road. LYNX bus link number fifty four (54) Old Winter Garden Road. There are four (4) bus stops within the project area. A mobility analysis may be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities      24-inch forcemain pipe is located within Old Winter Garden right-of-way

Reclaim Water: Orange County Utilities      Not currently available

**State of Florida Notice**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (May 21, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial 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 C-1 uses; and
- 3) Parcels 25-22-28-6420-04-260 and 25-22-28-6420-04-280 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
- 4) Vehicular access shall only be allowed from Old Winter Garden, and prohibited from S. Observatory drive.

**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-1 (Retail Commercial District) subject to four (4) restrictions. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred and eighteen (118) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in opposition, and one (1) response in favor of the request.

After discussion addressing the proposed development of a property, a motion was made by Commissioner Wade, and seconded by Commissioner Velazquez to recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to four (4) restrictions. The motion carried on a 9-0 vote.

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



RZ-20-03-026



 Subject Property



 Subject Property

**Future Land Use Map**

**ZONING:** Commercial (C)

**APPLICANT:** Al Tehrani, P.E.  
Tehrani Consulting Engineering

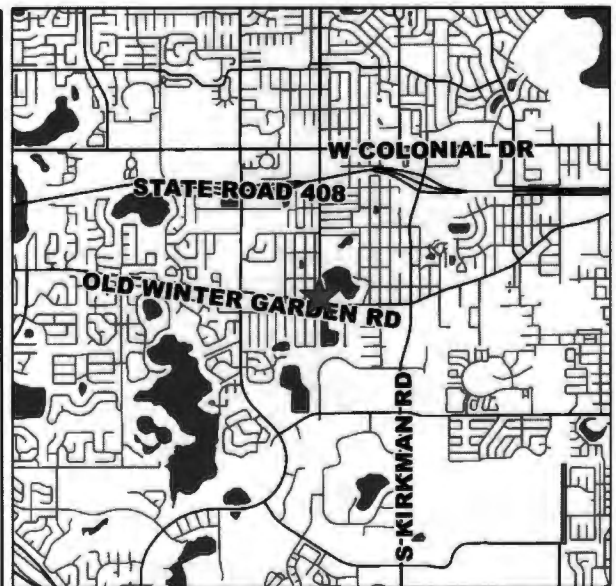
**LOCATION:** 6313 and 6317 Old Winter Garden Road;  
generally northwest of the Old Winter  
Garden Road and S. Observatory  
Drive intersection

**TRACT SIZE:** 0.31-gross acre

**DISTRICT:** #6

**S/T/R:** 25/22/28

1 inch = 165 feet



RZ-20-03-026



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District)

**APPLICANT:** Al Tehrani, P.E  
 Tehrani Consulting Engineering

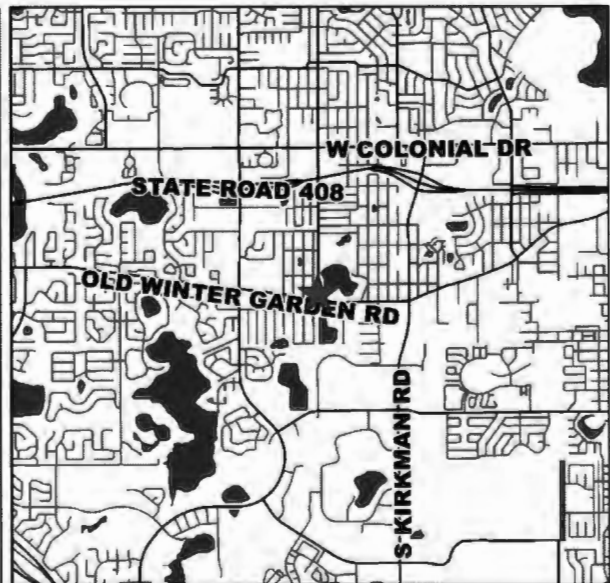
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**S/T/R:** 25/22/28

1 inch = 165 feet



RZ-20-03-026



**Subject Property**



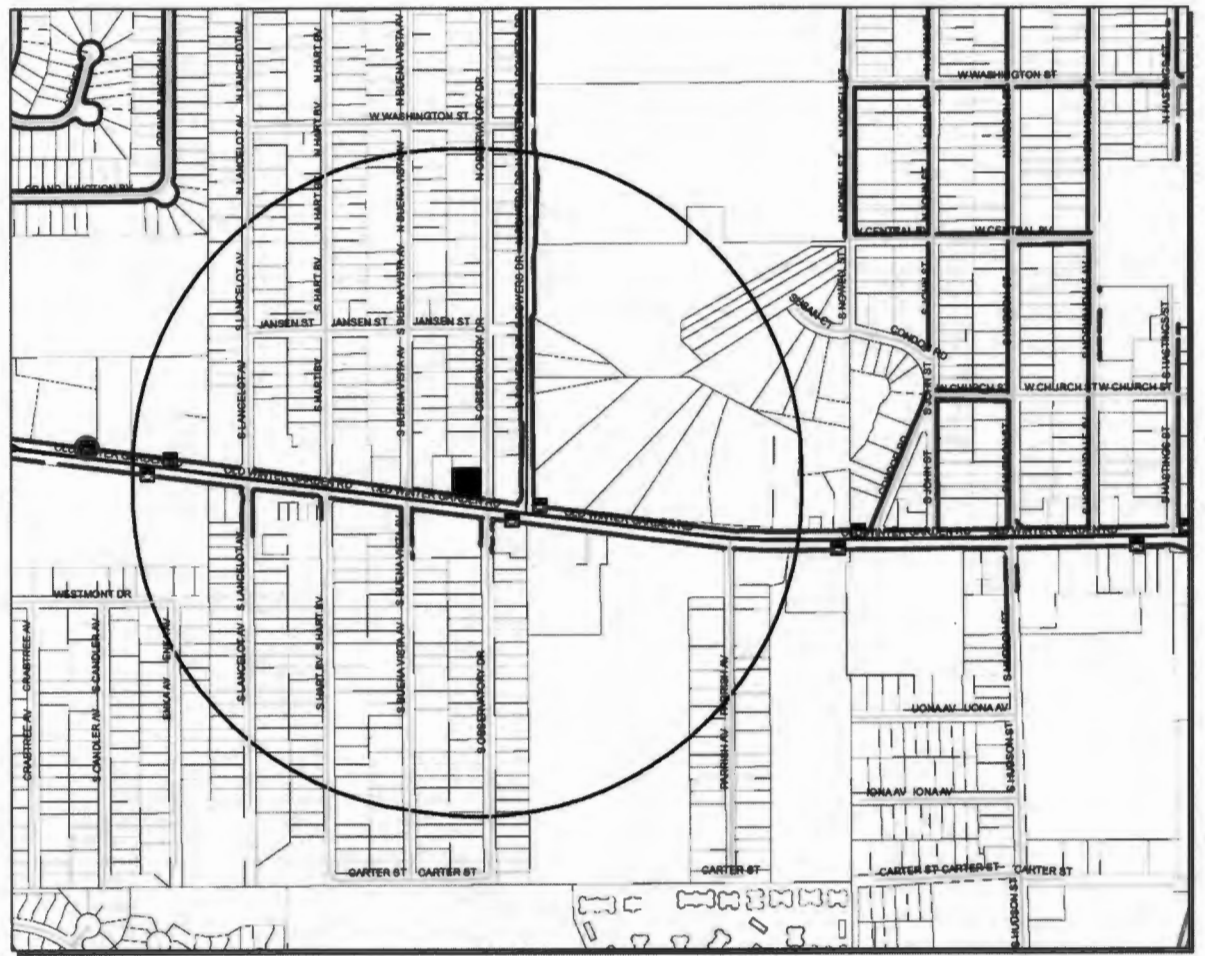
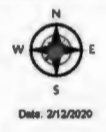
1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-20-03-026

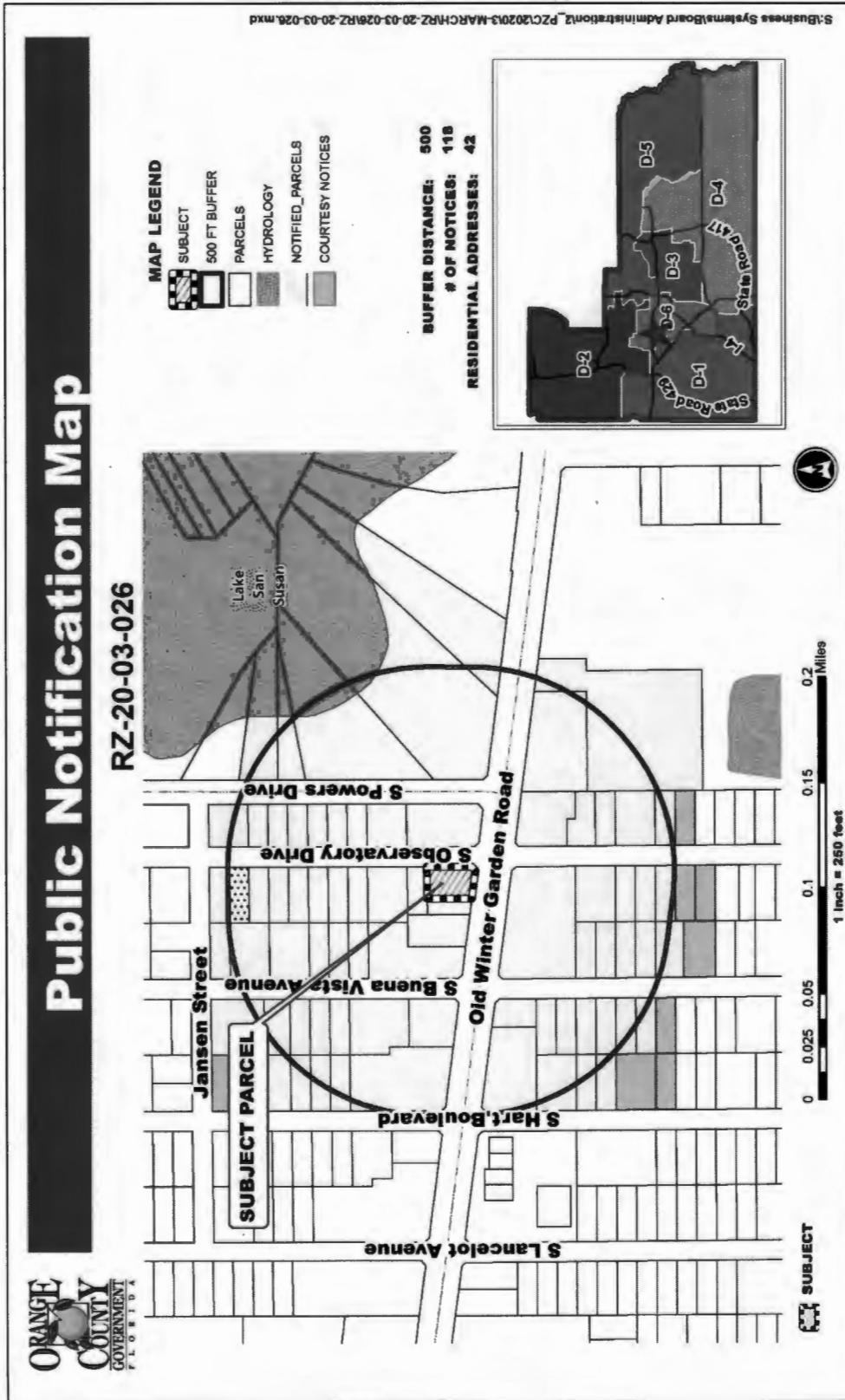
**Legend**

- 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\_Buffer484
- Horizon West Boundary
- County Boundary
- Parcels



Document Path: U:\GIS 2016.mxd

# Notification Map



*Case Planner:*  
Jason H. Sorensen

**Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: May 21, 2020**

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