



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

JUNE 18 , 2020



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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Nelson Pena	At Large

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June 18, 2020

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TABLE OF HEARINGS
Planning and Zoning Commission
June 18, 2020

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-20-05-033 Scott Batterson	<i>R-1A to R-1</i>	5	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ-20-05-036 David Lasser	<i>A-2 to I-1 / I-5</i>	4	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
RZ-20-05-037 Howard Axner	<i>R-1A to R-1</i>	5	Approval	Approval	No
RZ-20-05-038 Chris Dougherty	<i>C-2 to C-2</i>	4	Approval w/ seven (7) restrictions	Approval w/ seven (7) restrictions	No
RZ-20-06-039 Tammy Moore	<i>A-1 to R-2</i>	1	Denial	Denial	No

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.)	Lot setback (ft.)
A-1	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
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 ¼ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) **Buffer classifications:**

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

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

CASE # RZ-20-05-033

Commission District: #5

GENERAL INFORMATION

APPLICANT	R. Scott Batterson, PE., PEC-Professional Engineering Consultants, LLC.
OWNERS	Jim Veigle, Residential Properties, LLC, Winter Park Prime Properties, LLC.
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	2430, 2346, 2340, 2336 Roxbury Road; generally on the south side of Roxbury Road, 230 feet south of Salisbury Drive, 240 feet west of Killarney Drive, and 1,100 feet east of Interstate 4.
PARCEL ID NUMBER	29-22-02-2996-10-070, 29-22-02-2996-10-050 29-22-02-2996-10-030, 29-22-02-2996-10-010
TRACT SIZE	1.80 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-seven (187) notices were mailed to those property owners in the mailing area. An informational session was required for this application.
PROPOSED USE	Seven (7) 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-1 (Single-Family Dwelling District) zoning with the following restrictions:

- 1) Lot widths shall be a minimum of 70 feet.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone four (4) parcels from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) for the purpose of creating seven (7) single-family residential lots with lot widths of 74 feet. The four existing lots are currently developed with single-family homes and measure a total of 520 feet wide. The Future Land Use Map (FLUM) designates the subject properties as Low Density Residential (LDR). The area surrounding the subject properties is primarily single-family residences to the north, south, east, and west. Killarney Elementary School is also adjacent to the south of one of the subject properties.

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 does 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) which allows for consideration of up to four (4) dwelling units per acre. The subject properties total 1.8 acres which would allow for a density of seven (7) homes. The proposed R-1 (Single-Family Dwelling District) is consistent with the Commercial FLUM designation, and the following Comprehensive Plan provisions:

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

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

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

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

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

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1961) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957) <i>* No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential and Elementary School

R-1 (Single Family Dwelling District) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

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

Intent, Purpose, and Uses

The areas included in an R-1 (Single-Family Dwelling District) are of the same general character as R-1AA and R-1A, but with smaller minimum lots and yards, and a corresponding increase in population density.

A use shall be permitted in the R-1 district if the use is identified by the letter "P" in the use table set forth in section 38-77.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.</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>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>The southern adjacent property includes activities that may result in periodic temporary conditions that may cause a noise disturbance.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area (AMA).</p>

			The following is a list of alternative modes within the project area: There are existing County maintained sidewalks along Roxbury Road from Cambridge Blvd to S. Wymore Road and along S. Wymore Road from Lee Road to W. Fairbanks Avenue. There are State maintained sidewalks existing along W. Fairbanks Ave. from Clay St. to Edgewater Dr. LYNX Bus Link #23 Winter Park to Spring Village. There is one bus stop within the project area. A mobility analysis may be required for this project.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Deminimus impact to OCPS
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was required for this request, however due to COVID-19 concerns an informational presentation was created in lieu for a traditional community meeting. At the time of this writing no questions, comments, or concerns have been received by the planning department. All comments received from the informational presentation will be presented at the PZC hearing.

Utilities

Water: City of Winter Park

Wastewater: City of Winter Park

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 – (June 18, 2020)

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

- 1) Lot widths shall be a minimum of 70 feet.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

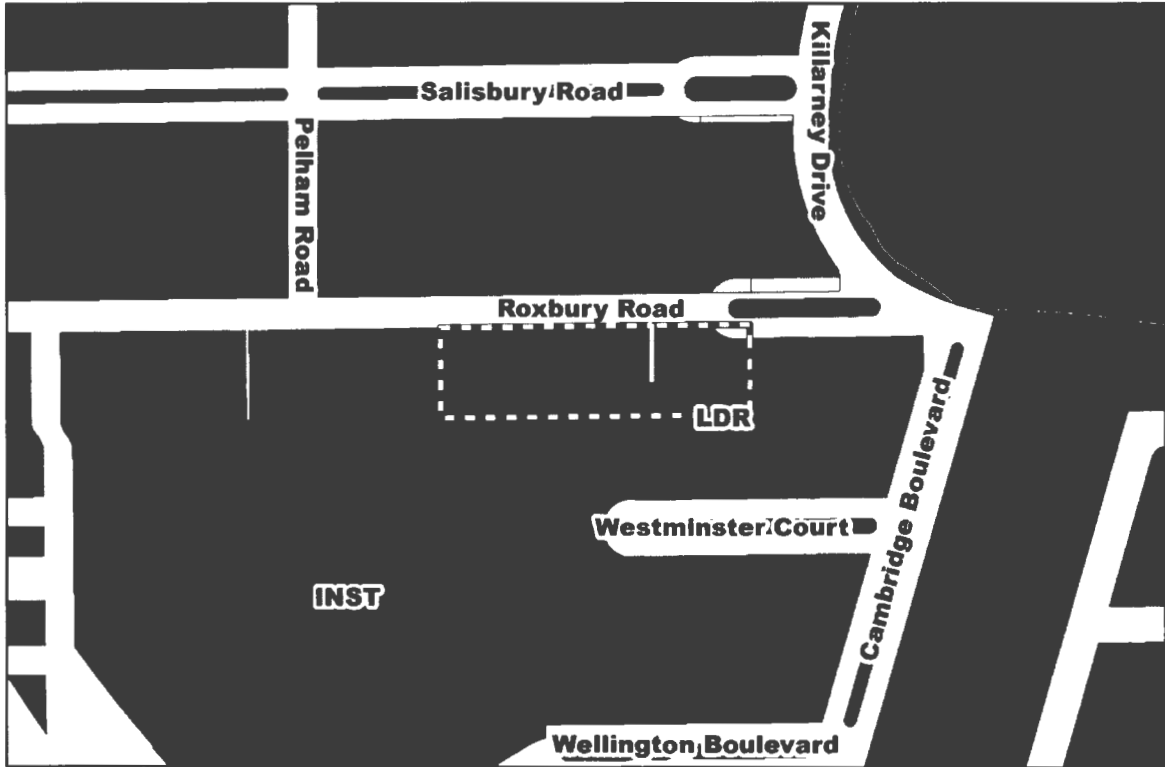
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to one (1) restriction, that lot widths would be a minimum of 70 feet. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred eighty-seven (187) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff had received two (2) commentaries in opposition to the request, one (1) undecided, and two (2) 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 the applicant's presentation, a motion was made by Commissioner Spears, and seconded by Commissioner Nazario to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to one restriction. The motion carried on a 6-0 vote.

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

RZ-20-05-033



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: R. Scott Batterson, PE., PEC-Professional Engineering Consultants, LLC.

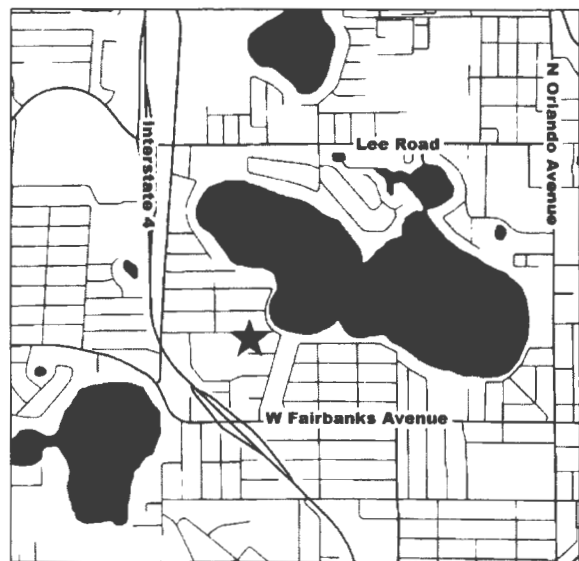
LOCATION: 2430, 2346, 2340, 2336 Roxbury Road; or approximately 300 feet west of Killarney Drive., 1170 feet of Interstate 4, and 1300 feet north of W. Fairbanks Ave.

TRACT SIZE: 1.80 gross acres

DISTRICT: # 5

S/T/R: 02/22/29

1 inch = 250 feet



RZ-20-05-033



 Subject Property



★ Subject Property

Zoning Map

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

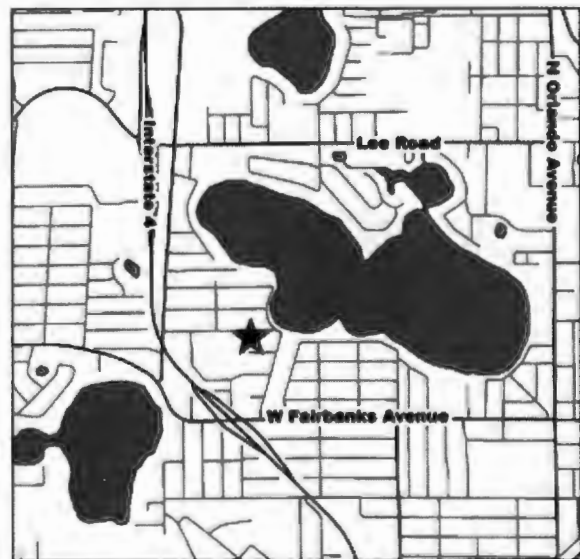
APPLICANT: R. Scott Batterson, PE., PEC-Professional Engineering Consultants, LLC.

LOCATION: 2430, 2346, 2340, 2336 Roxbury Road; or approximately 300 feet west of Killarney Drive., 1170 feet of Interstate 4, and 1300 feet north of W. Fairbanks Ave.

TRACT SIZE: 1.80 gross acres

DISTRICT: # 5

SJT/R: 02/22/29
 1 Inch = 250 feet



RZ-20-05-033

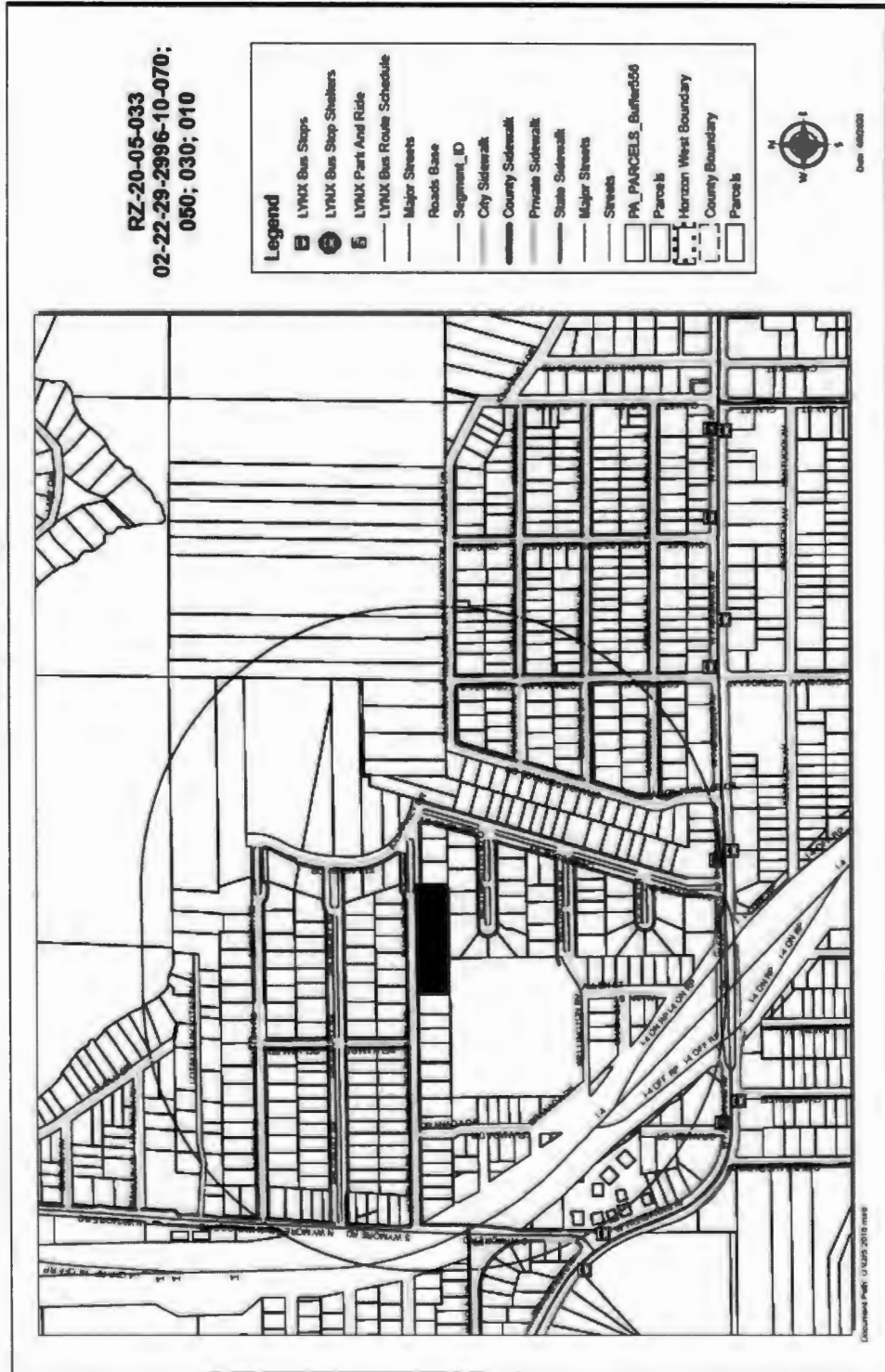


 Subject Property

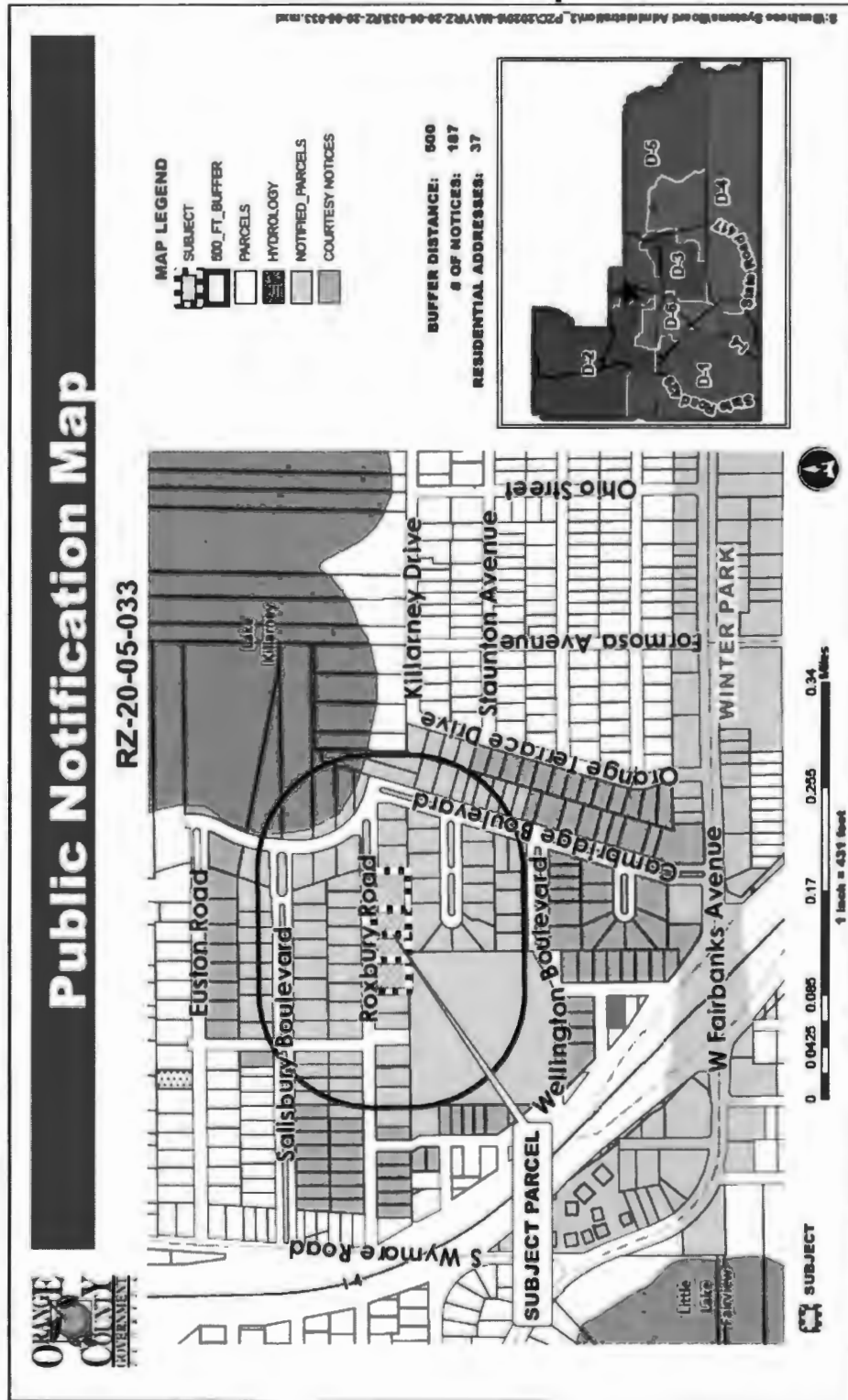


1 inch = 250 feet

Alternative Mobilty Area Context Map



Notification Map



CASE # RZ-20-05-036

Commission District: #4

GENERAL INFORMATION

APPLICANT	David Lasser
OWNERS	Charles Weber
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District Light)
LOCATION	Generally located north of Young Pine Road, approximately 2,000 feet west of the Orange County Landfill.
PARCEL ID NUMBER	16-23-31-0000-00-004
TRACT SIZE	17.5 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Thirty-one (31) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Warehouse

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District Light) 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 I-1 / I-5 uses.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the 17.5 acre property from A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District Light) in order to construct a series of small warehouse buildings. The property is currently undeveloped.

The subject property is a single, unplatted lot, in close proximity to the Orange County Landfill site and within the Urban Service Area. The property has direct access to Young Pine Road to the south. The surrounding area is developed with industrial buildings, including outdoor storage, and a couple nearby single-family dwelling units. It should be noted, the residential lots are zoned A-2 (Farmland Rural District), but the FLU is IND (Industrial). The remaining parcels are vacant land.

Land Use Compatibility

The I-1 / I-5 (Industrial District Light) 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 Industrial (IND). The proposed I-1 / I-5 (Industrial District Light) zoning is consistent with the Industrial 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

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-CE (Country Estate District) (1957) E: A-2 (Farmland Rural District) (1957) W: A-2 (Farmland Rural District) (1957) & I-1 / I-5 (Industrial District Light) (1965) S: I-1 / I-5 (Industrial District Light) (1965)
Adjacent Land Uses	N: Undeveloped Land E: Single-Family Residential W: Industrial Sales & Undeveloped Land S: Undeveloped Land

I-1 / I-5 (Industrial District Light) Development Standards

Max. Height: 50 ft (35 ft. within 100 ft. of any residential use or district)

Building Setbacks

Front: 35 ft.
Rear: 25 ft.
Side: 25 ft.

Intent, Purpose, and Uses

The intent and purposes of the I-1/I-5 industrial district are to provide areas for light manufacturing and industry. It is intended that this district will provide low intensity industrial development, which will have minimal impact on the surrounding areas. To provide space for those industries which required locations accessible to major transportation facilities. To establish and maintain standards which will protect adjacent residential and commercial developments. To provide space for those industries and other uses of land which require a location in close proximity to airports. To provide locations for those industries, which employ the processing of bulk, material and which require space for open storage of materials. To allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations. To establish and maintain standards which promote development of a wide variety of industrial and related activities. The I-1 / I-5 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 comment below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the Capacity database dated April 9, 2020, there is available capacity to be encumbered for this project. This information is dated and subject to change.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

***Environmental Division Comments:**

Wetlands are present onsite that extend offsite. Prior to approval of Orange County permits, subdivision or development plans, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), as outlined in Orange County Code Chapter 15, Article X Wetland Conservation Areas.

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

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C. Impacts to Class I conservation areas require approval from the Orange County Board of County Commissioners (BCC).

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of imperiled species and obtain any required habitat permits of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

This site is located within the boundaries of the Pinecastle Jeep Range, also known as the Pinecastle Bombing Range and Pinecastle Chemical Demonstration Range that is a Formerly Used Defense Site (FUDS). The applicant should use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying, clearing or construction. As a general safety precaution, all site workers should be trained if any suspicious items are located. The workers should utilize the recommended three Rs: Recognize (the item may be dangerous), Retreat (and do not touch it), and Report (the location to the local Sheriff's office immediately). Note that in some areas, unexploded ordinance and bomb debris fragments have been found up to one-quarter mile outside of the bombing range boundary. For further information visit www.saj.usace.army.mil and click on Formerly Used Defense Sites (FUDS).

This site could be adversely impacted by the existing activities at the Orange County Landfill located on the south and east. The applicant/owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through the appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, of the proximity of solid waste management facilities.

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.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

Contact both the FDOH and the Water Management District for wells.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	16-inch and 30-inch watermains within Young Pine right-of-way
Wastewater:	Orange County Utilities	30-inch forcemain within Young Pine 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 – (June 18, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District Light) zoning, subject to the following restriction:

- 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 I-1 / I-5 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

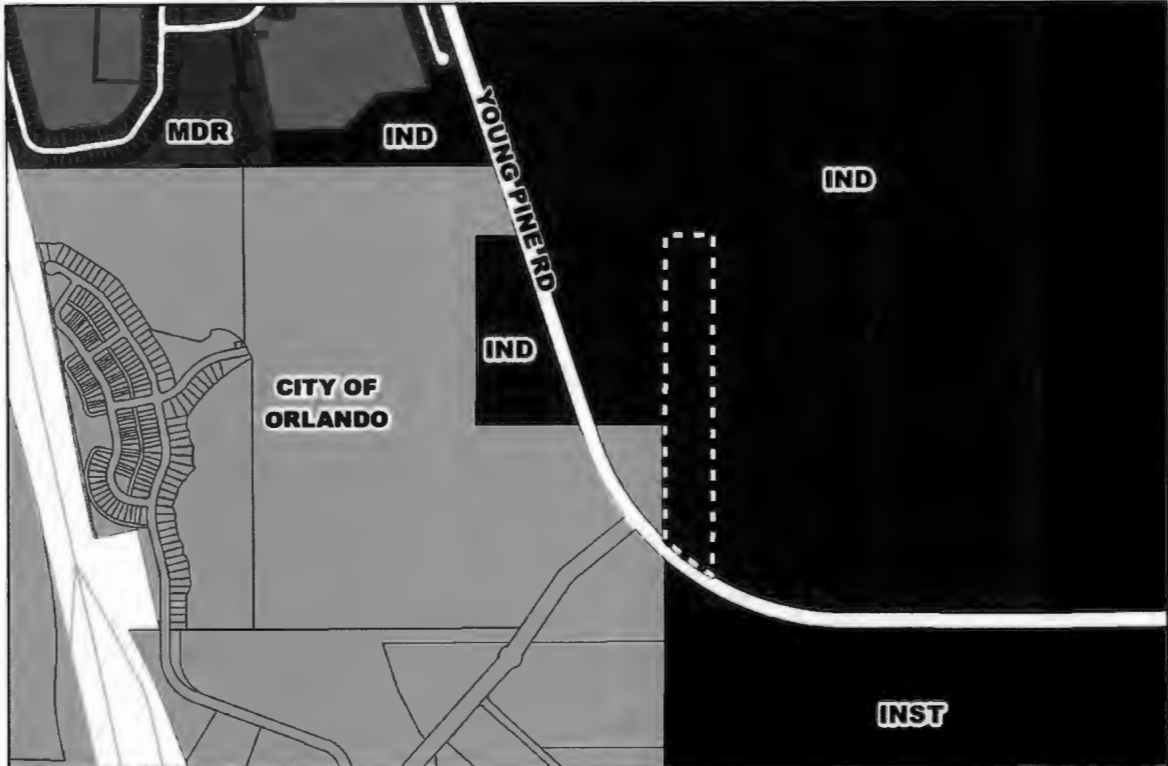
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District Light) zoning subject to two (2) restrictions, that new billboards and pole signs shall be prohibited; and 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 I-1 / I-5 uses. The applicant was present and agreed with the staff recommendation.

Staff indicated that thirty-one (31) notices were sent to property owners extending beyond 1500 feet surrounding the property, and that staff had received zero (0) commentaries in opposition to the request and zero (0) 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 the applicant's presentation, a motion was made by Commissioner Nazario, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested I-1 / I-5 (Industrial District Light) zoning, subject to two restrictions. The motion carried on a 6-0 vote.

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

RZ-20-05-036

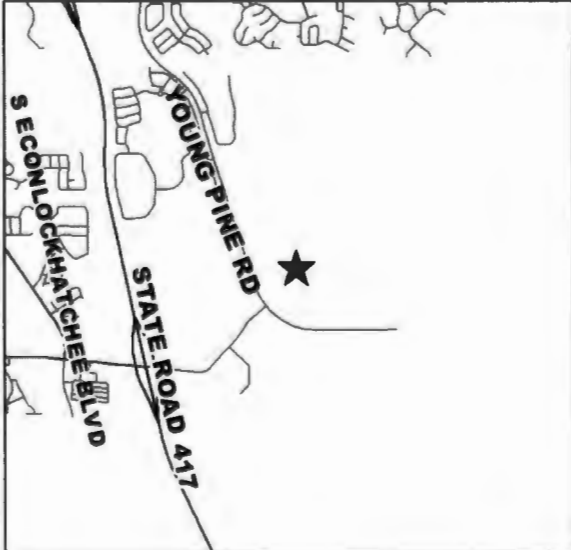


 Subject Property



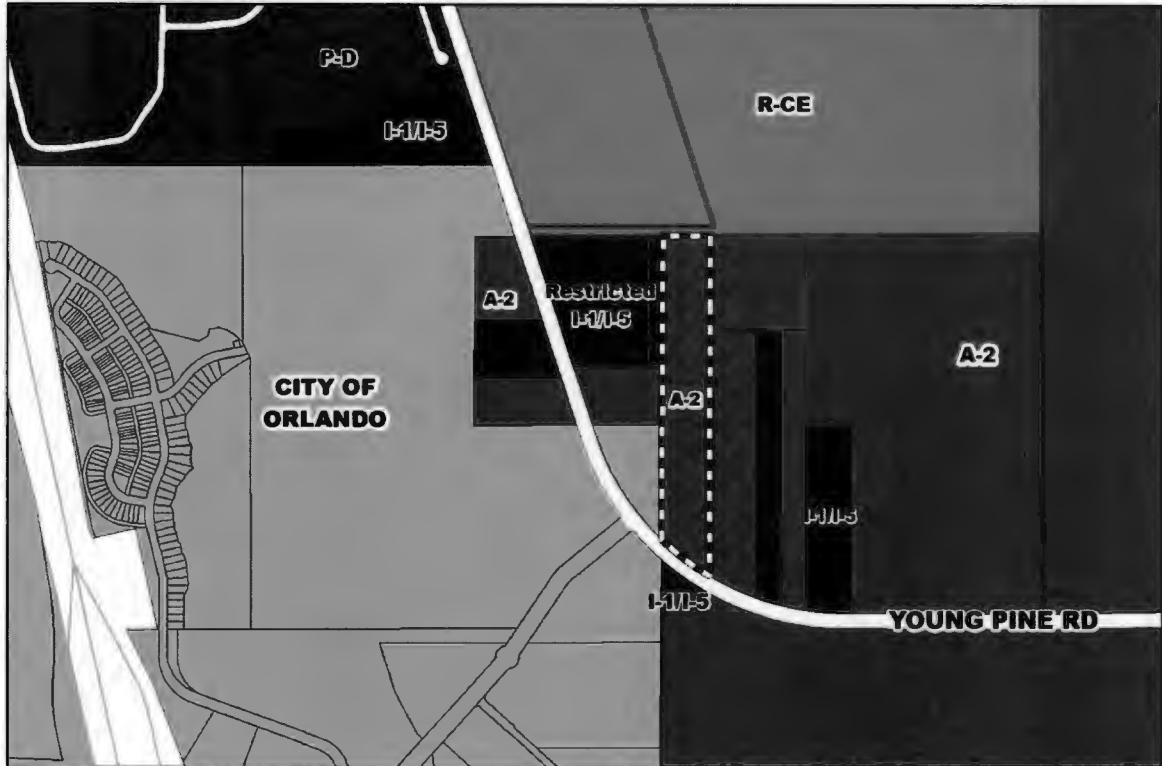
 Subject Property

Future Land Use Map	
FLUM:	Industrial (IND)
APPLICANT:	David Lesser
LOCATION:	Generally located north of Young Pine Road, approximately 2,000 feet west of the Orange County Landfill.
TRACT SIZE:	17.5 gross acres
DISTRICT:	# 4
S/T/R:	16/23/21
1 inch = 1,050 feet	



The inset map shows the subject property (marked with a star) located north of Young Pine Road, west of State Road 417, and east of S Conlochatchee Blvd.

RZ-20-05-036



Subject Property



Subject Property

Zoning Map	
Zoning:	A-2 (Farmland Rural District) to I-1/1-5 (Industrial District Light)
APPLICANT:	David Lesser
LOCATION:	Generally located north of Young Pine Road, approximately 2,000 feet west of the Orange County Landfill.
TRACT SIZE:	17.5 gross acres
DISTRICT:	# 4
S/T/R:	16/23/21
1 inch = 1,048 feet	

RZ-20-05-036



 Subject Property

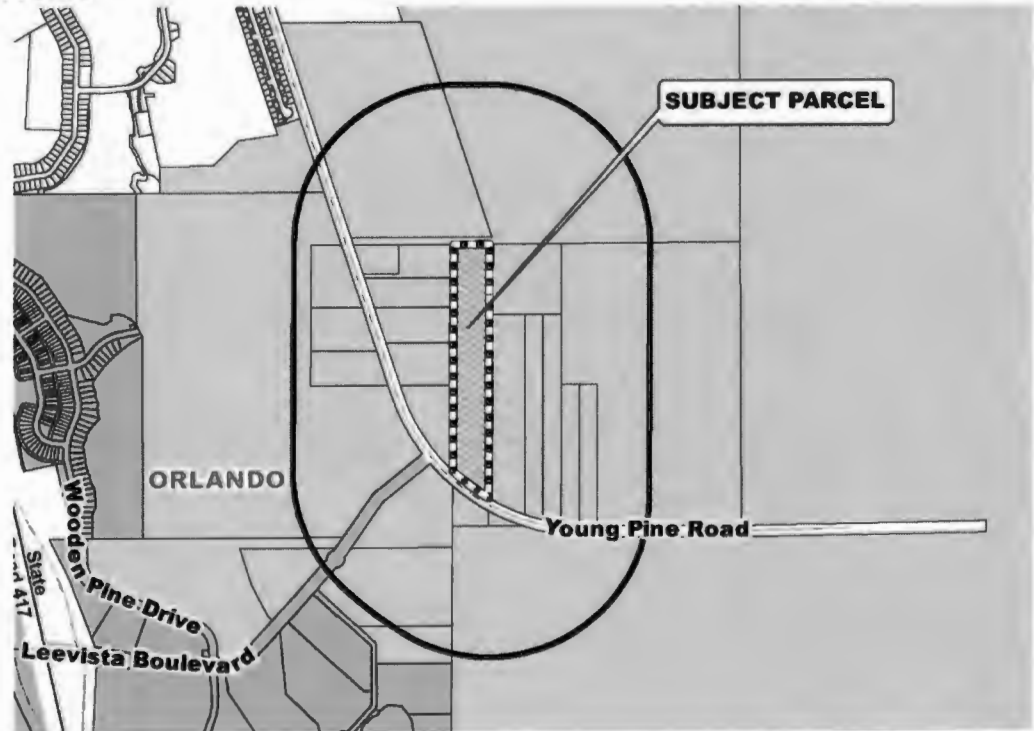


1 inch = 707 feet



Public Notification Map

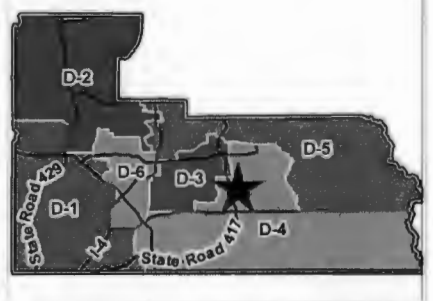
RZ-20-05-036



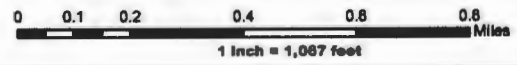
MAP LEGEND

- SUBJECT
- 1600_FT_BUFFER
- PARCELS
- NOTIFIED_PARCELS

BUFFER DISTANCE: 1500
OF NOTICES: 31
RESIDENTIAL ADDRESSES: 4



SUBJECT



S:\Business\Board\Information\ArcGIS\MAIN.mxd

Case # RZ-20-05-036
Orange County Planning Division
PZC Hearing Date: June 18, 2020

CASE # RZ-20-05-037

Commission District: #5

GENERAL INFORMATION

APPLICANT	Howard Axner, Meridian Homes, LLC
OWNER	Rem: Gray Living Trust, Gray Cheryl S. Life Estate, Gray Steven J. Life Estate
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	4349 Daubert Street; or generally 940 feet north of East Colonial Drive, approximately 70 feet west of Jamajo Blvd.
PARCEL ID NUMBER	21-22-30-3932-13-270
TRACT SIZE	0.47-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and fifty-seven (157) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Two (2) single-family homes, pending lot split approval

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the 0.47-gross acre property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to construct two (2) single-family dwelling units, pending lot split approval. This subject property is located within the Urban Service Area, north of East Colonial Drive, approximately 70 feet west of Jamajo Blvd. The 150-foot wide lot was originally platted

as three (3), 50 foot lots (lots 27, 28 & 29). Currently the aggregated lots contain a primary residential structure and a garage.

The minimum lot width for R-1A requires 75 feet; the proposed R-1 requires a minimum of 50 feet. Visually it appears the existing garage would not satisfy the 5' side setback required by R-1 zoning district. Before applying for a lot split the applicant is advised to obtain a survey to verify this information. If the existing garage does not meet the side setback the structure would need to be demolished. Zoning would not sign off on reverting the lots back to their original platted configurations if it would create a non-conforming structure.

The immediate area can be characterized as developed, with a mixture of single-family detached dwelling units on 50-foot lot sizes with R-1A and R-1 zoning designations. The zoning districts on the surrounding parcels have been established since 1957.

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 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 subject property has an underlying CP Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	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) & R-1 (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Vacant S: Vacant

R-1 (Single-Family Dwelling Districts) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

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

Intent, Purpose, and Uses

The areas included within R-1 (Single-Family Dwelling District) is intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
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>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.</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</p>

			within the project area: There are existing County maintained sidewalks along Old Cheney Hwy from Colonial Drive to Beach Blvd. LYNX bus link #28 E. Colonial Drive/Azalea Park; #29 E Colonial Drive / Goldenrod; #140 E. Colonial Drive/UCF. There is one bus stop and four sheltered 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	Orlando Utilities Commission
Waste Water	City of Orlando
Reclaim Water:	City of Orlando

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 – (June 18, 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

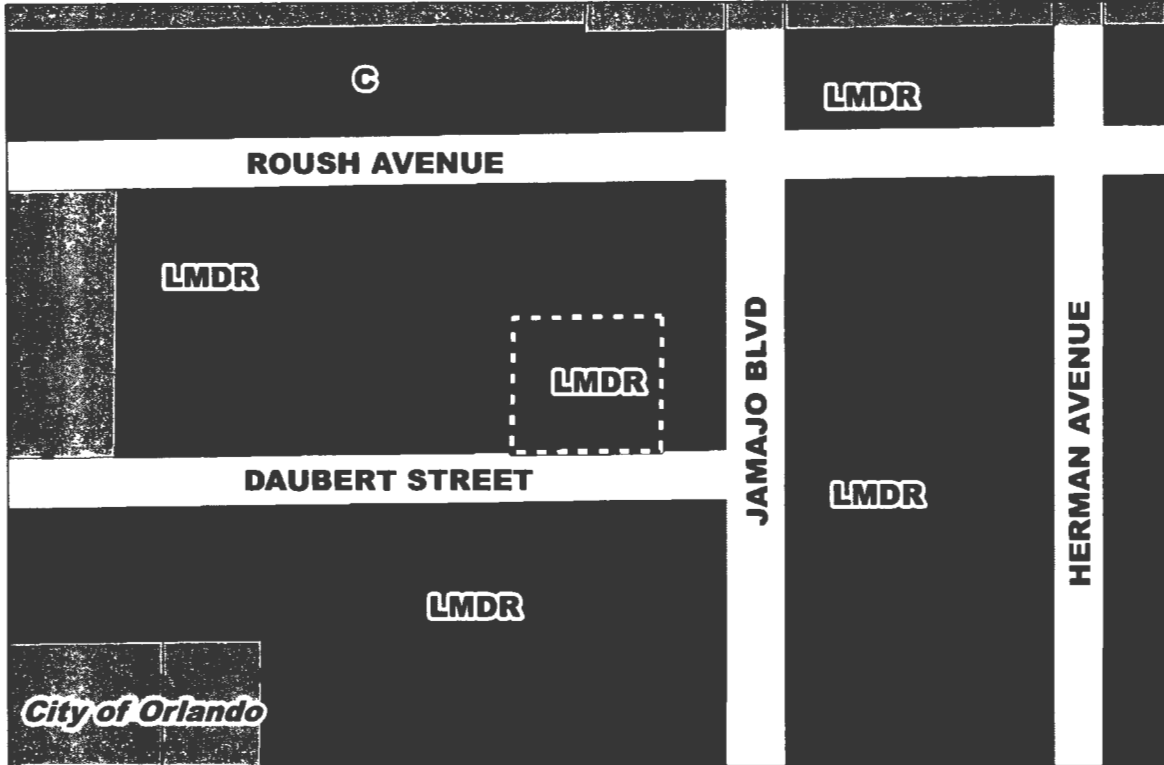
The staff report was presented to to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the recommendation.

Staff indicated that one hundred and fifty-seven (157) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received 3 commentaries in favor of the project. During public comments no member of the public was present to speak.

After a brief discussion, a motion was made by Chairman Spears and seconded by Commissioner Velazquez to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion was carried on a 6-0 vote.

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

RZ-20-05-037



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Howard Axner, Meridian Homes, LLC

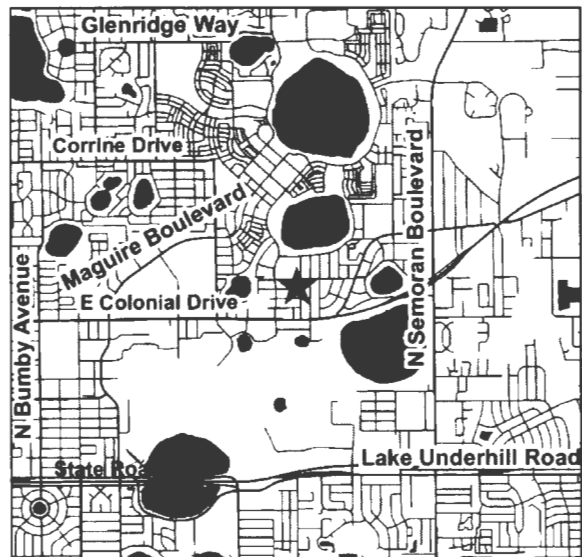
LOCATION: 4349 Daubert Street, or generally north of East Colonial Drive street, approximately 70 feet west of JamaJo Blvd.

TRACT SIZE: 0.47-gross acre

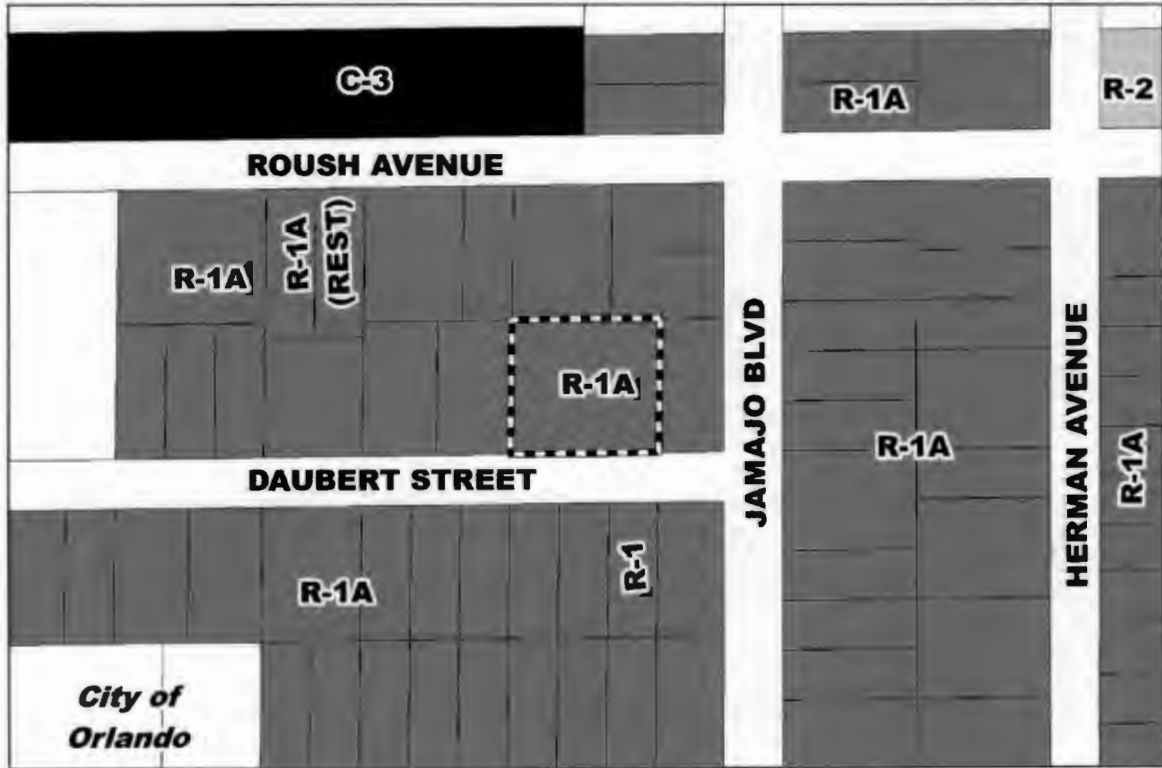
DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 150 feet



RZ-20-05-037



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Howard Axner, Meridian Homes, LLC

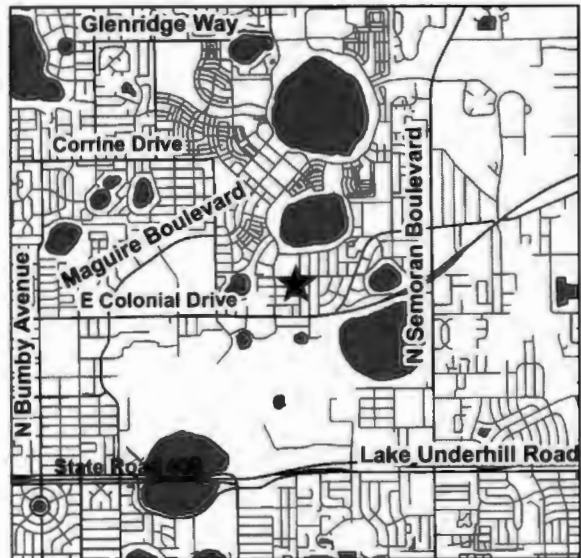
LOCATION: 4349 Daubert Street, or generally north of East Colonial Drive street, approximately 70 feet west of JamaJo Blvd.

TRACT SIZE: 0.47-gross acre

DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 150 feet



RZ-20-05-037



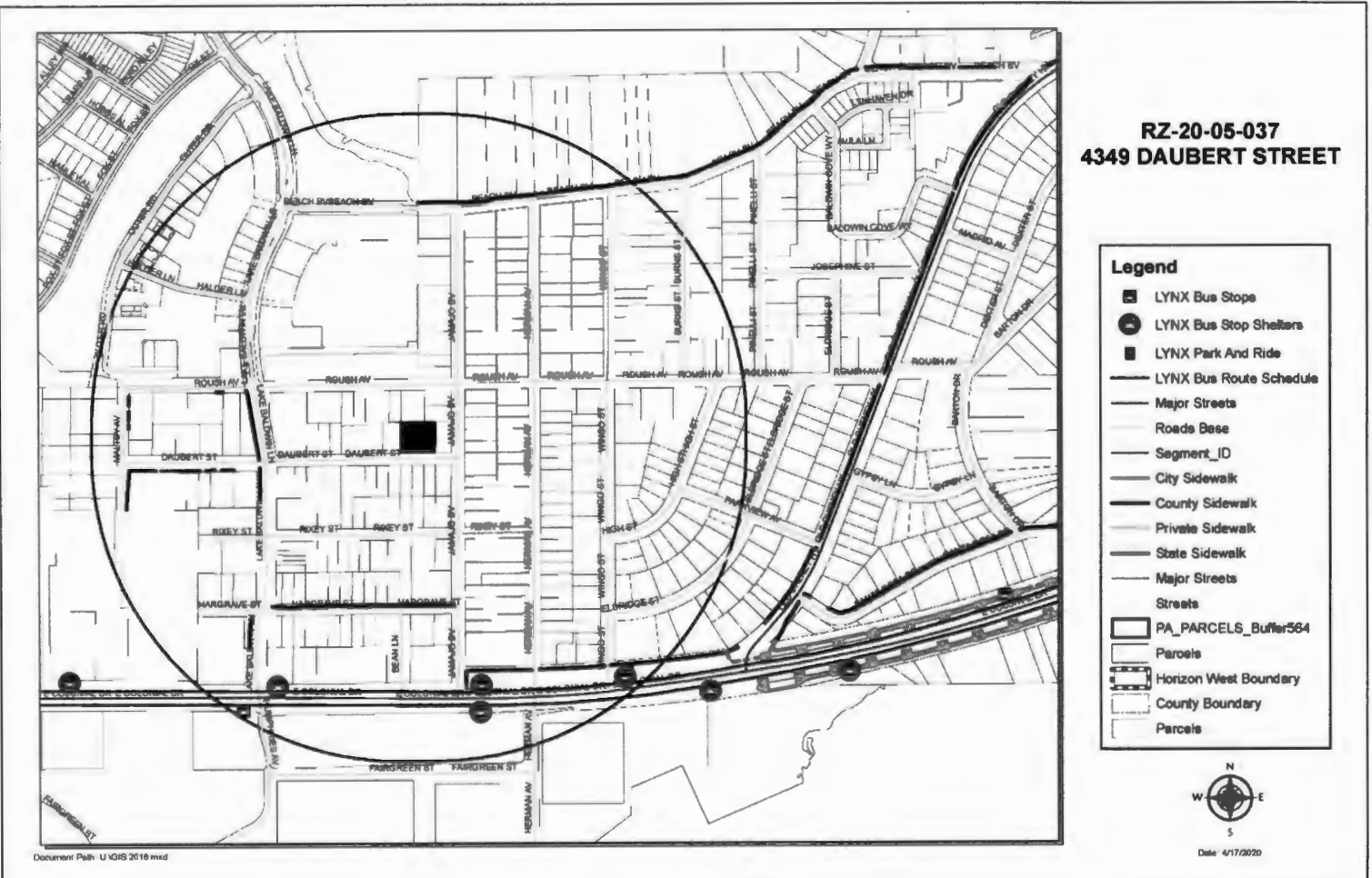
 Subject Property



1 inch = 150 feet

Alternative Mobility Area Context Map

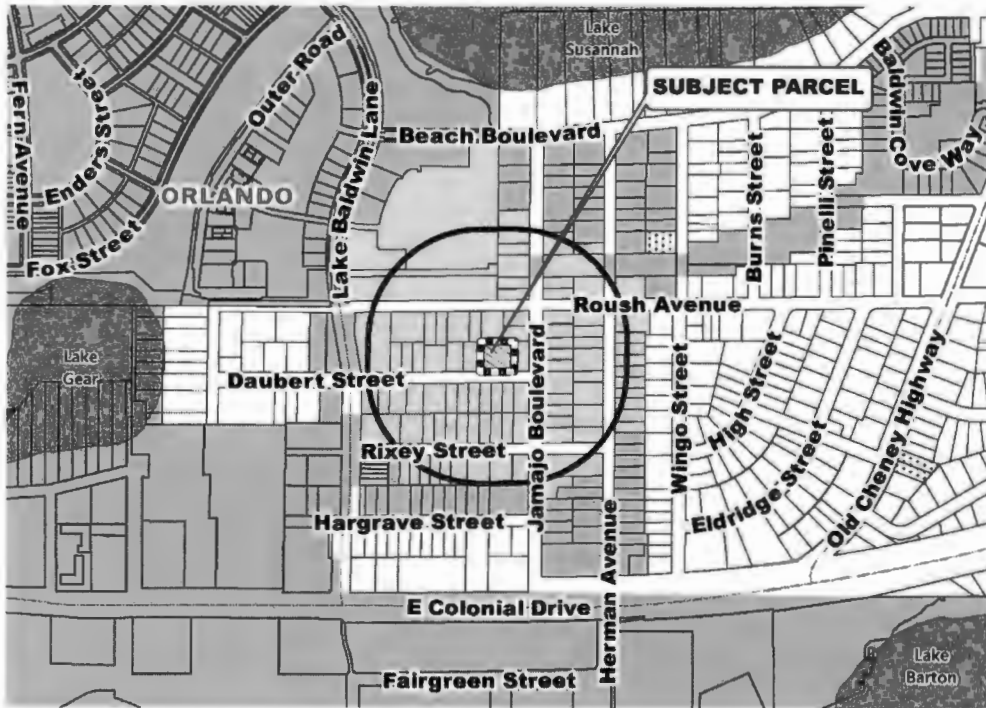
**RZ-20-05-037
 4349 DAUBERT STREET**





Public Notification Map

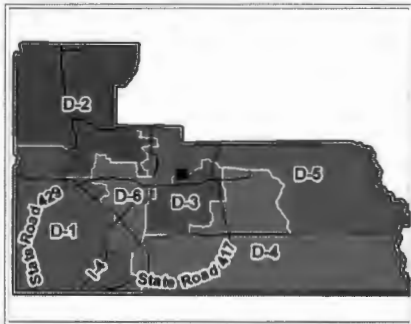
RZ-20-05-037



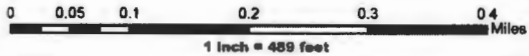
MAP LEGEND

- SUBJECT
- 500_FT_BUFFER
- PARCELS
- NOTIFIED_PARCELS
- COURTESY_PARCELS
- HYDROLOGY

BUFFER DISTANCE: 500
OF NOTICES: 157
RESIDENTIAL ADDRESSES: 37



SUBJECT



D:\GIS\Projects\20-05-037\Map\20-05-037-05-037.mxd

Notification Map

Case # RZ-20-05-037
 Orange County Planning Division
 PZC Hearing Date: June 18, 2020

CASE # RZ-20-05-038

Commission District: #4

GENERAL INFORMATION

APPLICANT	Chris Dougherty, S&ME
OWNERS	Michael Jean Ingerman
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-2 (General Commercial District) to C-2 (General Commercial District) This request is to amend the approved rezoning restriction which required a 10-day timeframe to record notice in the official records of Orange County that cross-access to adjacent commercial properties will be accommodated. The applicant is proposing to provide cross-access without the need for recording notice in the public records.
LOCATION	14539 E. Colonial Drive, or generally north of E. Colonial Drive, approximately 140 feet east of Frank Street
PARCEL ID NUMBER	24-22-31-1068-02-010
TRACT SIZE	0.95-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-one (161) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Automobile Repair

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following amended 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-2 uses; and
- 3) The use of Outdoor Storage and Display shall be prohibited; and
- 4) Access to Bell Street shall be prohibited; and
- 5) Bay doors shall not be oriented toward the north property line; and
- 6) A six (6) foot masonry wall shall be constructed along the north property line.
- ~~7) Within ten (10) days of final approval, owner shall record notice in the official records of Orange County, Florida stating that owner will accommodate future cross-access to the adjacent commercial land uses so long as such uses are compliant with Orange County Code.~~

Proposed language:

The site plan referenced in restriction #2 shall reflect future cross access to the adjacent commercial parcels to the east and west. Such cross-access shall be built when said adjacent parcels are developed, provided such parcels are developed in compliance with all applicable provisions of Orange County Code.

SUBJECT PROPERTY ANALYSIS

Overview

This case was approved for recommendation by the Planning and Zoning Commission on January 16, 2020, and subsequently the Board of County Commissioners (BCC) on February 11th. The request (RZ-20-01-080) was to rezone the 0.95 acre property from C-1 (Retail Commercial District) to C-2 (General Commercial District) for an automobile repair use.

The request was approved subject to seven (7) restrictions. The PZC added the seventh restrict to ensure that cross-access to adjacent commercial properties will be accommodated so long as such uses are compliant with Orange County Code.

Through this request, the applicant is seeking to amend the approved rezoning restriction which required a 10-day timeframe to record notice in the official records of Orange County that cross-access to adjacent commercial properties will be accommodated. The applicant is proposing to provide cross-access without the need for recording notice in the public records.

Land Use Compatibility

The C-2 (General 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-2 (General 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

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-2 (Residential District) (2008) A-2 (Farmland Rural District) (1957) E: C-1 (Retail Commercial District) (1957) W: C-3 (Wholesale Commercial District) (1986) S: PD (Planned Development District) (1995)
Adjacent Land Uses	N: Single-Family Residential E: Undeveloped Land W: Auto Repair S: Restaurant / Tire Store

C-2 (General Commercial District) Development Standards

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.
Building Setbacks	
Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information. This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference Chapter 15 Article XI.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the capacity database dated December 17, 2019, there are two (2) failing roadway segments within the project area. E. Colonial Drive from Woodbury Road to Lake Pickett Road and from Avalon Park Boulevard to S. Tanner Road. A traffic study will be required for this project at the time of permitting.
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	12-inch and 24-inch watermain within the E. Colonial right-of-way
Wastewater:	Orange County Utilities	30-inch forcemain within the E. Colonial 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 – (June 18, 2020)

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

- 1) 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-2 uses; and
- 3) The use of Outdoor Storage and Display shall be prohibited; and
- 4) Access to Bell Street shall be prohibited; and
- 5) Bay doors shall not be oriented toward the north property line; and
- 6) A six (6) foot masonry wall shall be constructed along the north property line; and
- 7) The site plan referenced in restriction #2 shall reflect future cross access to the adjacent commercial parcels to the east and west. Such cross-access shall be built when said adjacent parcels are developed, provided such parcels are developed in compliance with all applicable provisions of 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 C-2 (General Commercial District) zoning, subject to seven (7) restrictions listed in the staff report.

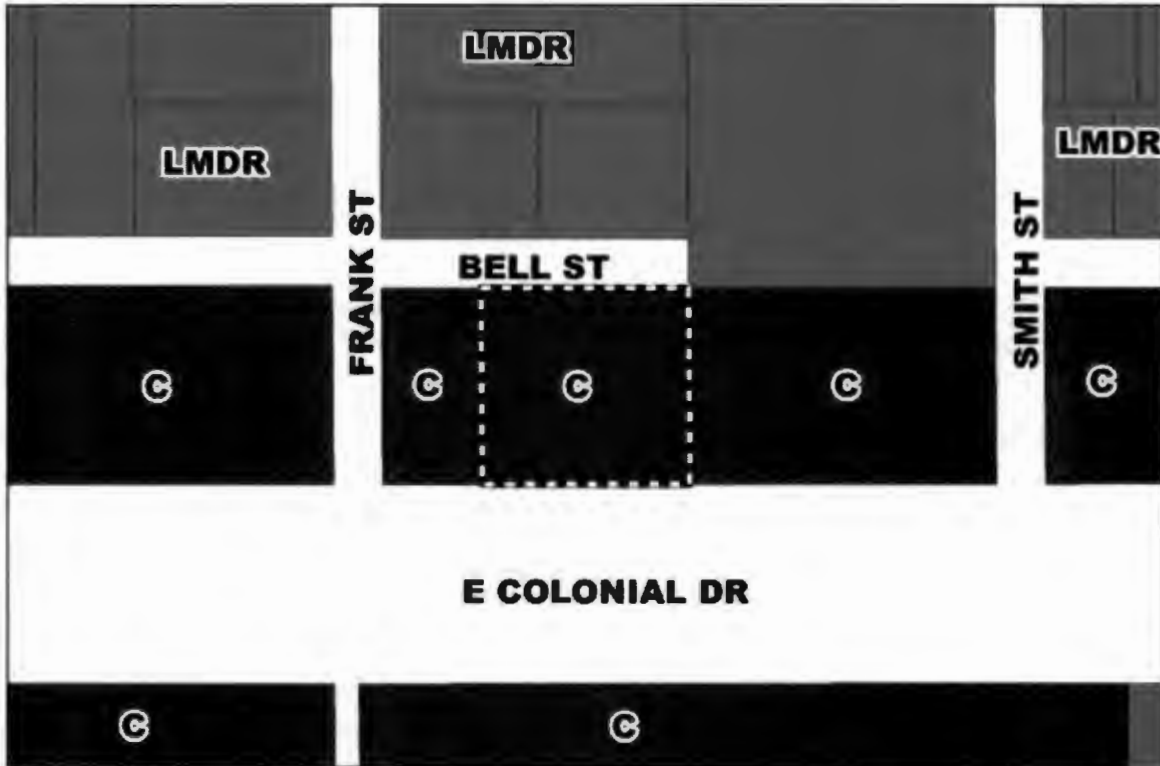
Staff indicated that one hundred and sixty-one (161) notices were mailed to those property owners in the mailing area extending beyond 1,000 feet surrounding the property, and that staff received zero (0) commentaries regarding this project. The applicant was present and provided future details to the Commission and agreed with staff's recommendation.

During public comments there was one (1) member of the public present to speak in favor of the project.

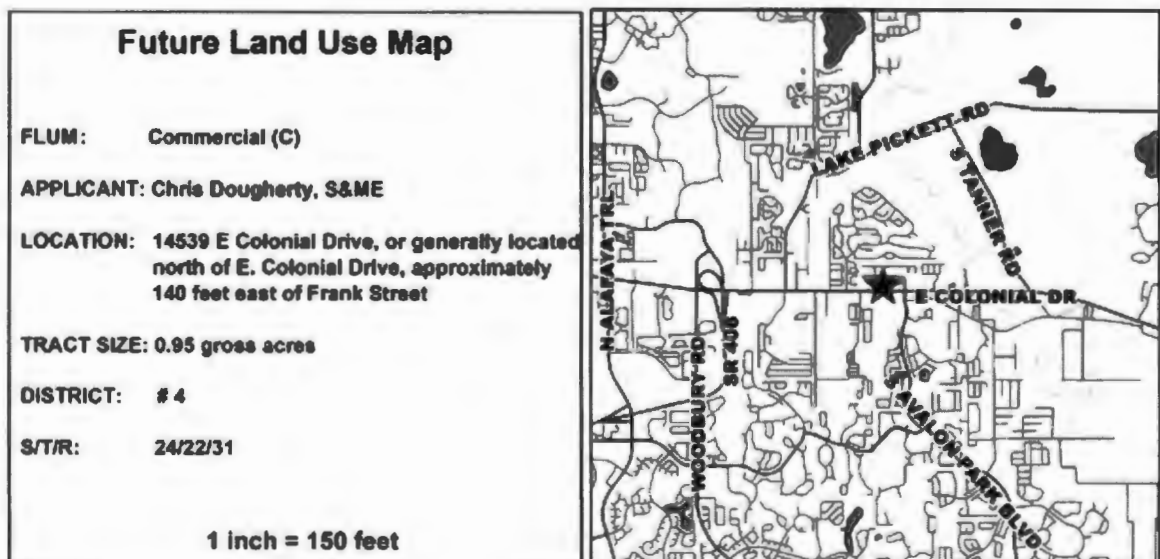
A motion was made by Commissioner Nazario and seconded by Commissioner Abdallah to Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following amended restrictions. The motion was carried on a 6-0 vote.

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

RZ-20-05-038



 Subject Property   Subject Property



Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Chris Dougherty, S&ME

LOCATION: 14539 E Colonial Drive, or generally located north of E. Colonial Drive, approximately 140 feet east of Frank Street

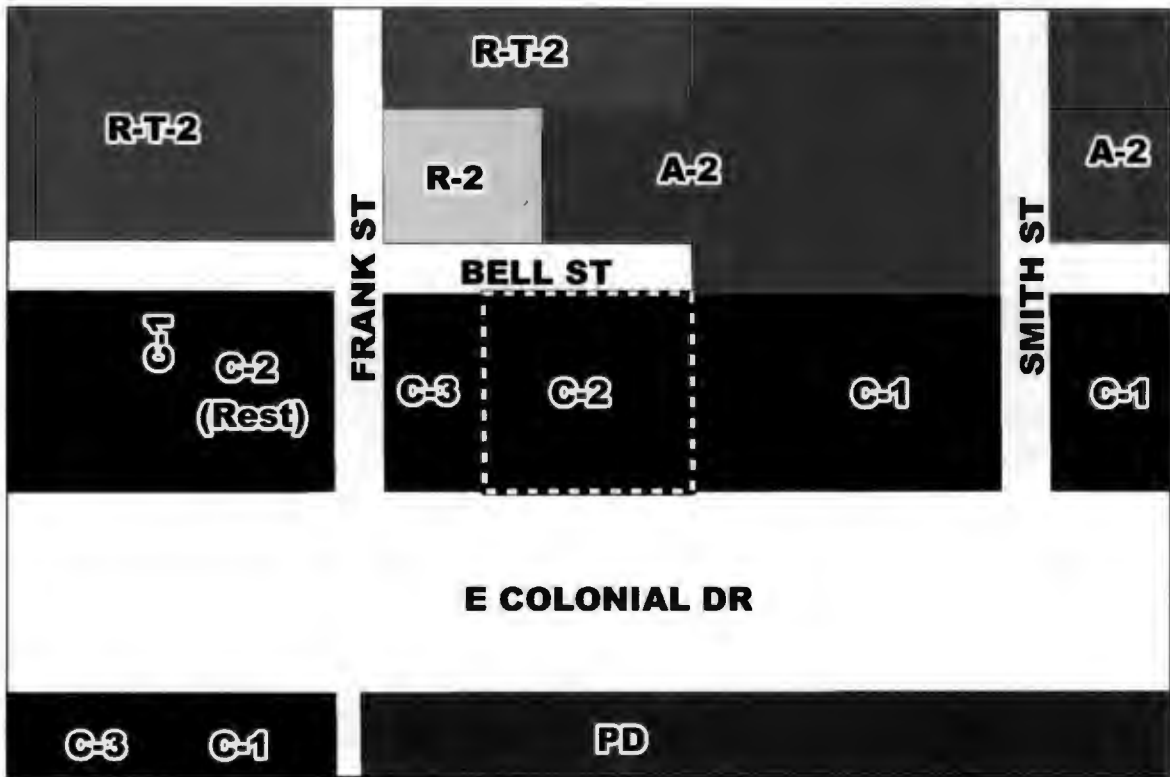
TRACT SIZE: 0.95 gross acres

DISTRICT: # 4

S/T/R: 24/22/31

1 inch = 150 feet

RZ-20-05-038



 Subject Property



 Subject Property

Zoning Map	
ZONING:	C-2 (General Commercial District) to C-2 (General Commercial District)
APPLICANT:	Chris Dougherty, S&ME
LOCATION:	14539 E Colonial Drive, or generally located north of E. Colonial Drive, approximately 140 feet east of Frank Street
TRACT SIZE:	0.95 gross acres
DISTRICT:	# 4
S/T/R:	24/22/31
1 inch = 150 feet	

RZ-20-05-038

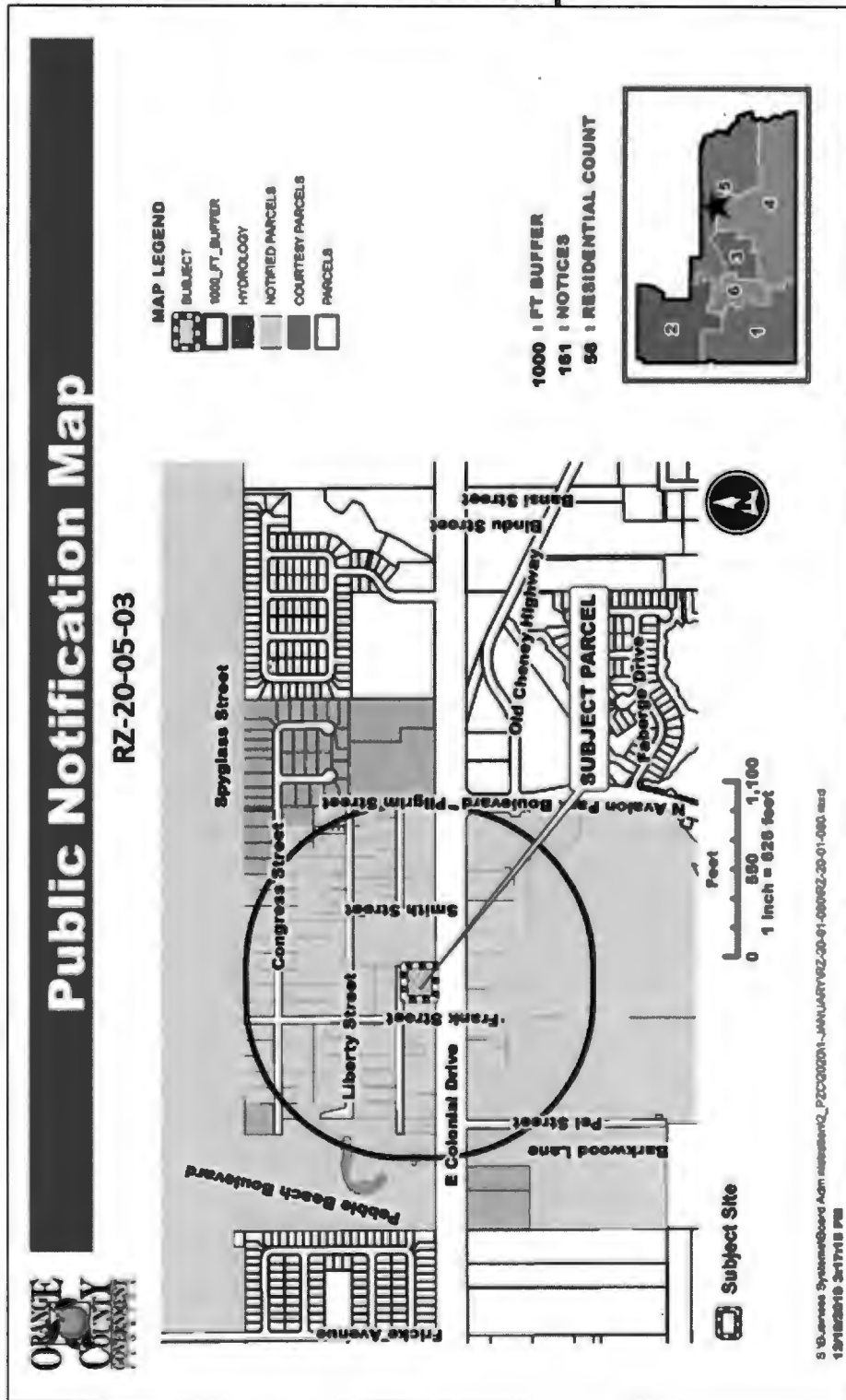


 Subject Property



1 inch = 125 feet

Notification Map



CASE # RZ-20-06-039

Commission District: #1

GENERAL INFORMATION

APPLICANT	Tammy Moore
OWNERS	Strickland Daniel
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-2 (Residential District)
LOCATION	442 Magnolia St, or generally west of S.R. 429 and approximately 325 feet south of W. Colonial Drive.
PARCEL ID NUMBER	26-22-27-8110-01-060
TRACT SIZE	1.52 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-four (94) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Sell the property for multi-family resident.

STAFF RECOMMENDATION

PLANNING

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

ALTERNATIVE RECOMMENDATION

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

- 1) Lots shall be a minimum of ninety (90) feet wide.

SUBJECT PROPERTY ANALYSIS

Overview

Through this rezoning request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-2 (Residential District) to be consistent with the underlying FLUM designation and intends to sell the property for multi-family residential development (duplexes, triplexes or quadplexes). The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR) and allows four (4) units per acre. The subject property is currently zoned A-1 (Farmland Rural District), was originally platted in 1945 as three lots (lots 6-8) within the G.T. Smith Subdivision and is currently vacant.

The residential enclave surrounding the subject property is characterized primarily by single-family detached residential units on lots between 90' and 300' in width. The applicant's requested R-2 residential use is not similar in nature to surrounding properties, and therefore it is staff's recommendation that the request is incompatible with surrounding properties. Staff has provided an alternate recommendation of R-1AA with a restriction of 90-foot wide lots which is similar to surrounding lots in the area and the same width as the originally platted lots. At 90-feet wide, the applicant would be able to do three lots with single-family detached residential units.

The subject property is located within the Wekiva Study Area. Per policy OS1.3.6 Residential land uses in the Urban Service Area, development with an overall size less than or equal to 100 acres, shall require 35% or greater open space of the land area for new residential development that propose Preliminary Subdivision Plans of 4 lots or more.

Land Use Compatibility

The R-2 (Residential District) zoning would allow for development that is incompatible with the character of the surrounding area and may 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"/>	Winter Garden 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-2 (Residential District) zoning is consistent with the Low Density Residential (LDR) FLUM designation, therefore a CP

amendment is not necessary. However, the proposed request is inconsistent 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.

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: City of Orlando E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957)
Adjacent Land Uses	N: Retail, Animal Hospital E: Single-Family Residence W: Undeveloped Land

S: Single-Family Residence

R-2 (Residential District) Development Standards

One-Family Dwelling

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

Two Dwelling Units

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

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

Four or More Dwelling Units

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

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

Permitted Uses

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

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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> <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>If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 5/1/20, there is available capacity to be encumbered for this project. This information is dated and is subject to change. A traffic study may be required.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A project informational presentation has been provided in lieu of a community meeting.

Utilities

Water: City of Winter Garden

Wastewater: City of Winter Garden

Reclaim Water: City of Winter Garden

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 – (June 18, 2020)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-2 (Residential District) zoning with an alternative recommendation to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the R-1AA (Single-Family Dwelling District) subject to one (1) restriction, that lots shall be a minimum of ninety (90) feet wide. The applicant was present and disagreed with the staff recommendation and did not accept the alternative recommendation.

Staff indicated that ninety-four (94) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received three (3) commentaries in opposition to the request and zero (0) in favor. The representative from the City of Winter Garden provided a comment with opposition to the rezoning request. No other members of the public were present to speak on this request.

After a brief discussion addressing the proposed use of the property, compatibility with the surrounding area and annexation to the City of Winter Garden, Commissioner Velazquez

made a motion, seconded by Commitioner Nazario, to recommend DENIAL of the requested R-2 (Residential District) zoning. The motion passed on a 5-1 vote.

Motion / Second

Diane Velazquez / Carlos Nazario

Voting in Favor

*Diane Velazquez, Carlos Nazario, Eddie Fernandez,
Gordon Spears, and Evelyn Cardenas*

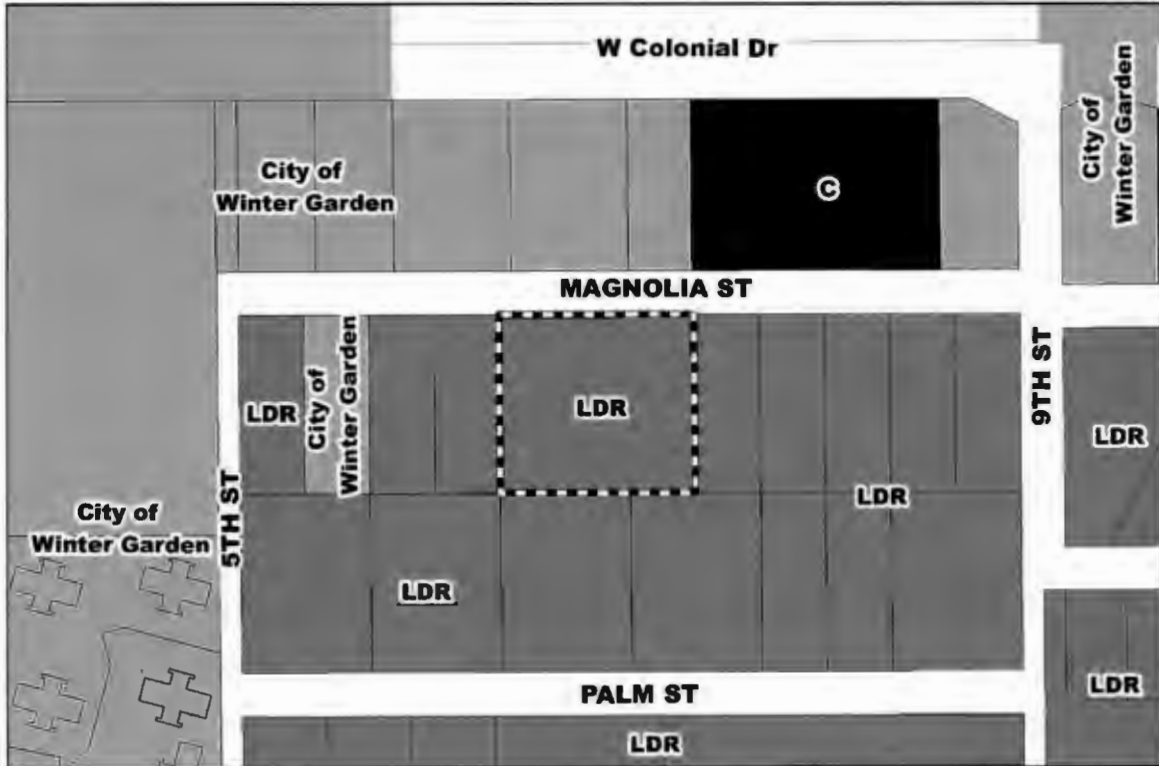
Voting in Opposition

Mohammed Abdallah

Absent

JaJa Wade, Jimmy Dunn, and Nelson Pena

RZ-20-06-039



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Tammy Moore

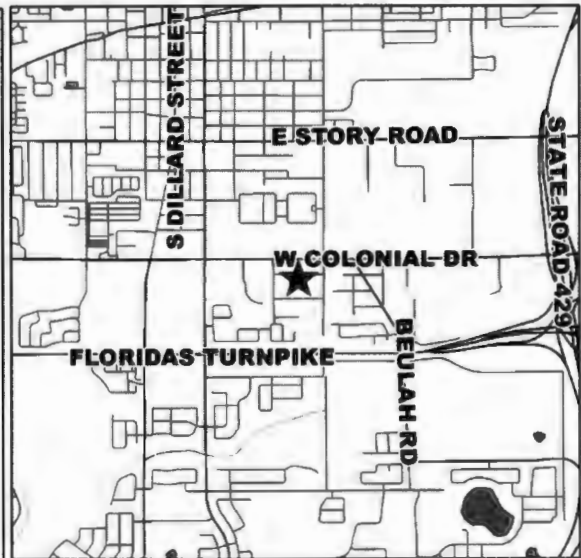
LOCATION: 442 Magnolia St, or generally west of S.R. 429 and approximately 325 feet south of W. Colonial Drive.

TRACT SIZE: 1.52 gross acres

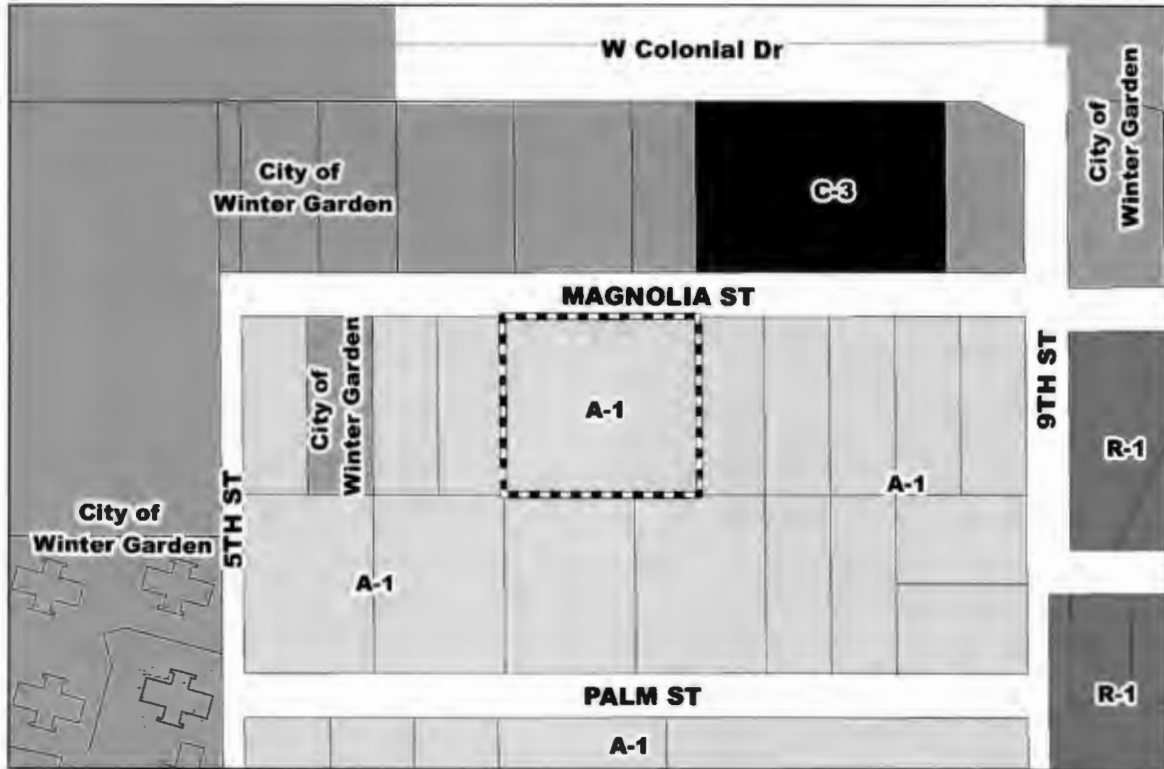
DISTRICT: #1

S/T/R: 26/22/27

1 inch = 205 feet



RZ-20-06-039



Subject Property



Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to R-2 (Residential District)

APPLICANT: Tammy Moore

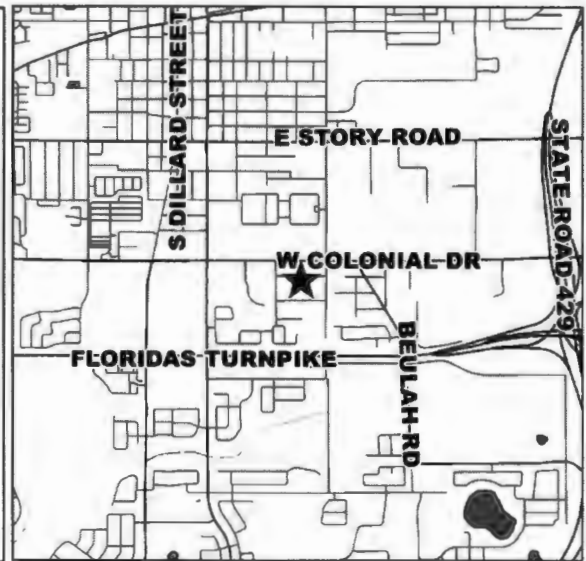
LOCATION: 442 Magnolia St, or generally west of S.R. 429 and approximately 325 feet south of W. Colonial Drive.

TRACT SIZE: 1.52 gross acres

DISTRICT: #1

S/T/R: 26/22/27

1 inch = 205 feet



RZ-20-06-039

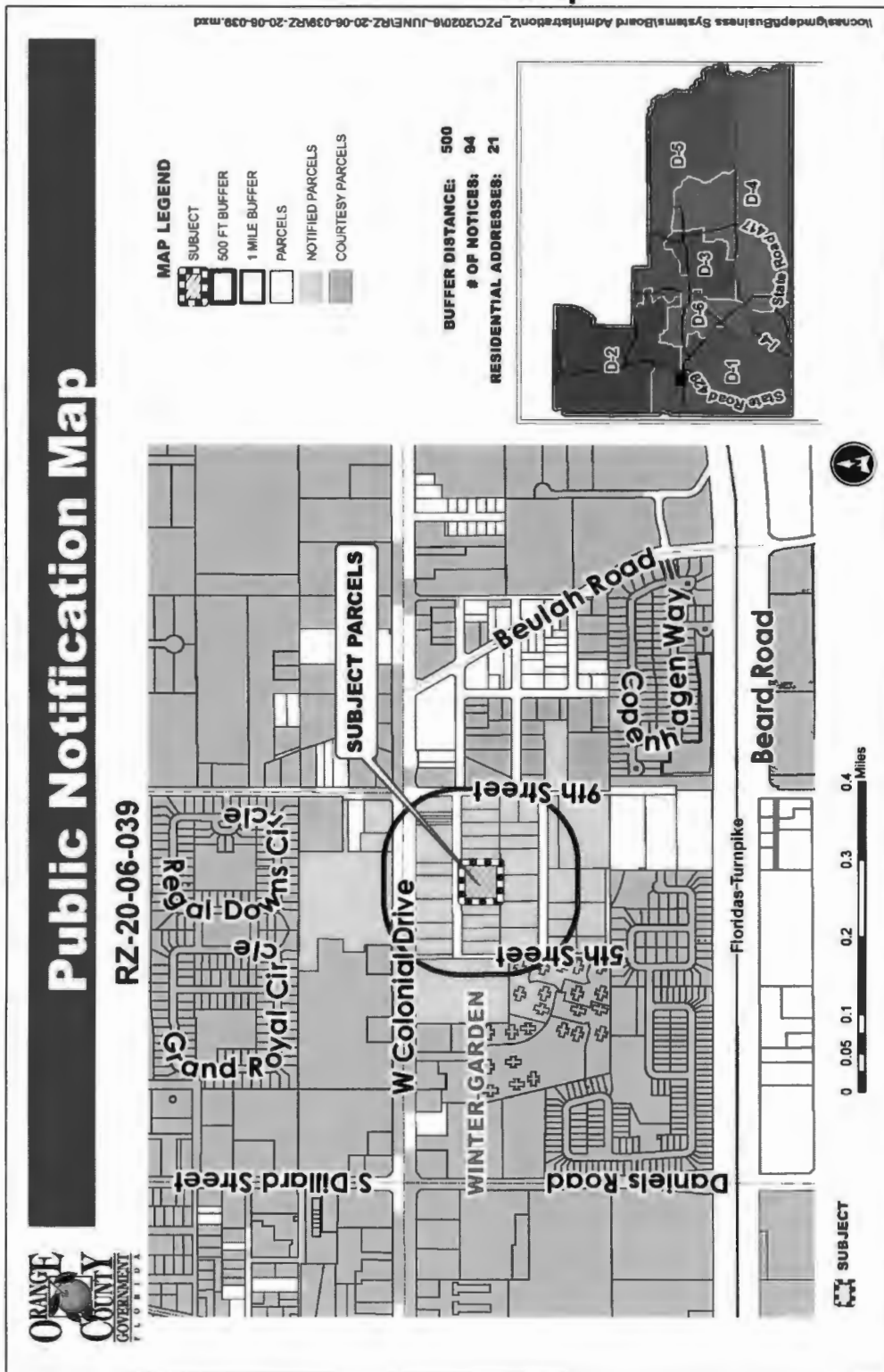


 Subject Property



1 inch = 165 feet

Notification Map



Case Planner:
Nik Thalmueller

**Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: June 18, 2020**
