



Interoffice Memorandum

DATE: January 22, 2020

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

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

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

SUBJECT: February 11, 2020 – Public Hearing
Planning and Zoning Commission: Board Called Rezoning
Applicant: Edward Durruthy, Castle & Cooke Real Estate
Services
Case # RZ-19-10-045 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 0.32 gross acres generally located on the northeast corner of 29th Street and Lee Street, from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two single-family residential dwelling units. On November 21, 2019, the Planning and Zoning Commission recommended approval of the request.

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

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the requested R-1 (Single-Family Residential District) zoning. District 3**

JVW/EPR/nsw
Attachment

CASE # RZ-19-10-045

Commission District: #3

GENERAL INFORMATION

| | |
|----------------------------|--|
| APPLICANT | Edward Durruthy, Castle & Cooke Real Estate Services |
| OWNERS | SODO Investments LLC |
| HEARING TYPE | Planning and Zoning Commission |
| REQUEST | R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) |
| LOCATION | Generally located on the northeast corner of 29th Street and Lee Street |
| PARCEL ID NUMBER | 03-23-29-0180-69-130 |
| TRACT SIZE | 0.32-gross acre |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-three (173) 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 Dwelling Units <i>(Pending Approved Lot Split)</i> |

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

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

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

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

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

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

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

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

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

SITE DATA

Existing Use

Vacant

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-1AA (Single Family Dwelling District) (1957)
*No restrictions apply to the above rezonings.

Adjacent Land Uses

N: Single-Family Residence
E: Single-Family Residence
W: Single-Family Residence
S: Single-Family Residence

R-1 [Single-Family Dwelling District] Development Standards

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

Subject Property Analysis

The subject property is generally located on the northeast corner of 29th Street and Lee Street. The property is currently undeveloped. Originally platted on June 15, 1923, the subject property is shown as two 50' foot lots on the 'Angebelt Addition, Continued' plat.

The subject property is located approximately four hundred fifteen (415) feet east of Interstate 4 and 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 Orlando Health and Rehabilitation Center is located on the southwest corner of the intersection of 29th Street and Lee Street.

Through this request, the applicant is seeking to rezone a 0.32 acre property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two (2) single-family homes, pending an approved lot split.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a Joint Planning Area.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. The applicant shall contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Transportation / Access

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

- There are existing Orange County maintained sidewalks along Lee Street from 32nd Street to I-4.
- LYNX bus link #40 Americana Blvd / Universal Orlando;
- #300 LYNX 3D: Downtown Orlando / Hotel Plaza;
- LYNX bus link #38 Downtown Orlando / International Drive;
- LYNX bus link #441 FastLYNX 441;
- LYNX bus link #50 Downtown Orlando / Magic Kingdom.

- There are four (4) bus stops within the project area.

Code Enforcement

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

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities Not currently available

Reclaim Water: City of Orlando

Schools

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

Parks and Recreation

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (November 21, 2019)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

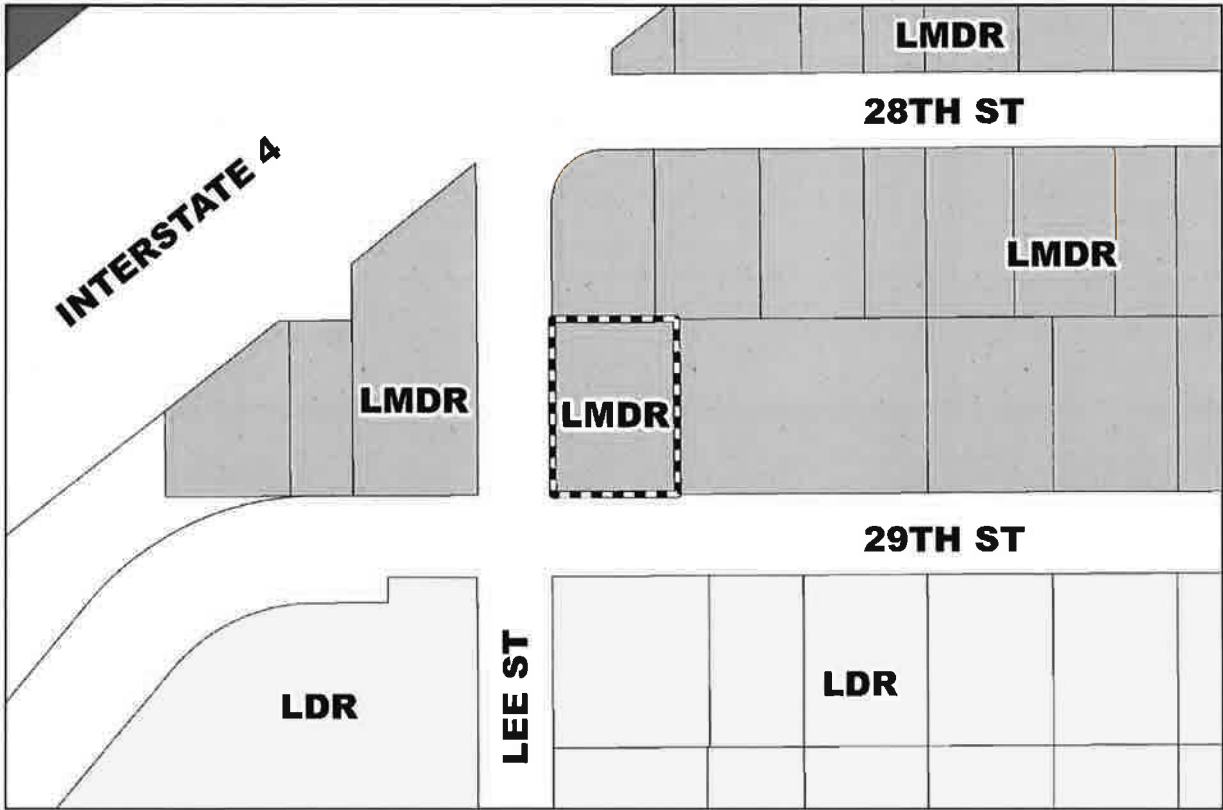
Staff indicated that one hundred seventy three (173) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received one (1) response in favor, and eight (8) responses in opposition of the request. Those in opposition stated concerns of drainage, density, additional septic, and a preference for a lot width variance, one single-family home, or for the lots to be oriented toward Lee Street. One member of the public was present and spoke in opposition to the request. This speaker received additional time from four residents, who were also present.

Discussion ensued as to whether the applicant would be required to construct homes as represented in the elevations provided, or only to the standards of the requested zoning district, the orientation of the platted lots, and the applicable current and prior Comprehensive Plan policies to the subject property.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Cantero to recommend approval of the requested R-1 zoning. The motion carried on a 9-0 vote.

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

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 Subject Property



 Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Edward Durruthy,
 Castle & Cooke Real Estate Services

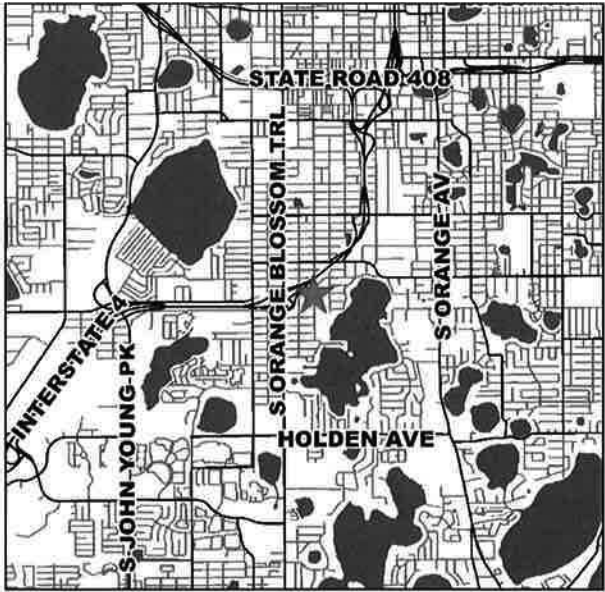
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 of 29th Street and Lee Street

TRACT SIZE: 0.32-gross acre

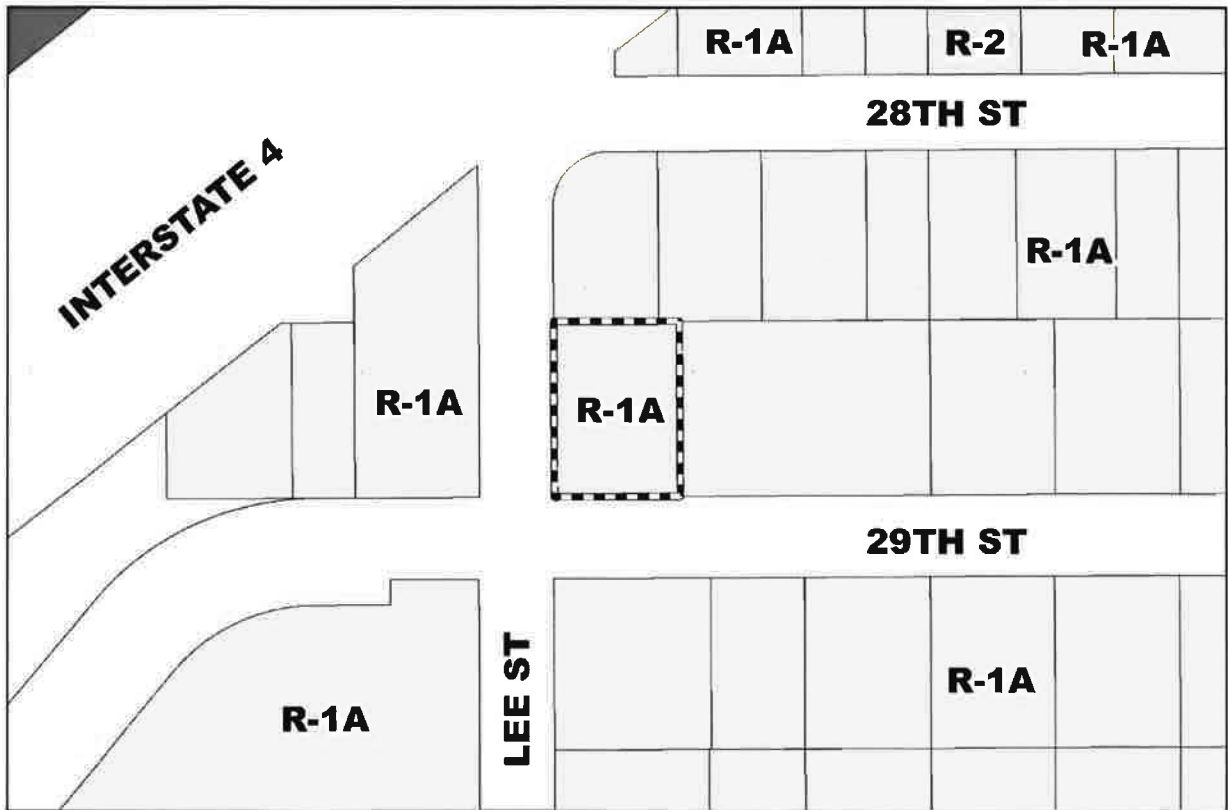
DISTRICT: # 3

S/T/R: 03/23/29

1 inch = 125 feet



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 Subject Property



 Subject Property

Zoning Map

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

APPLICANT: Edward Durruthy,
 Castle & Cooke Real Estate Services

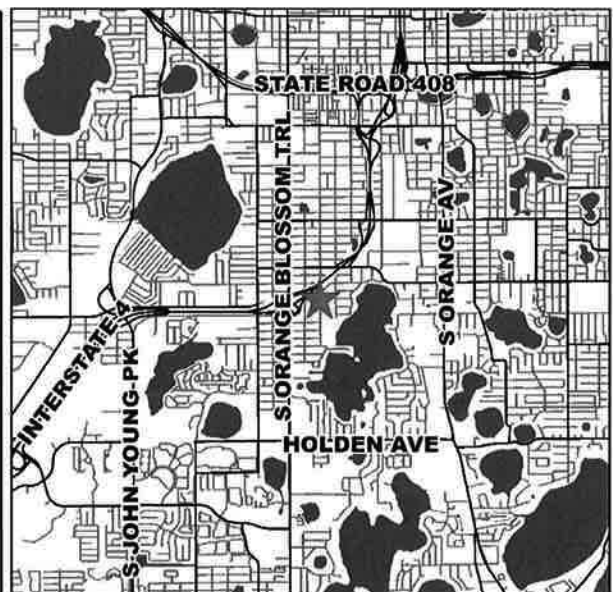
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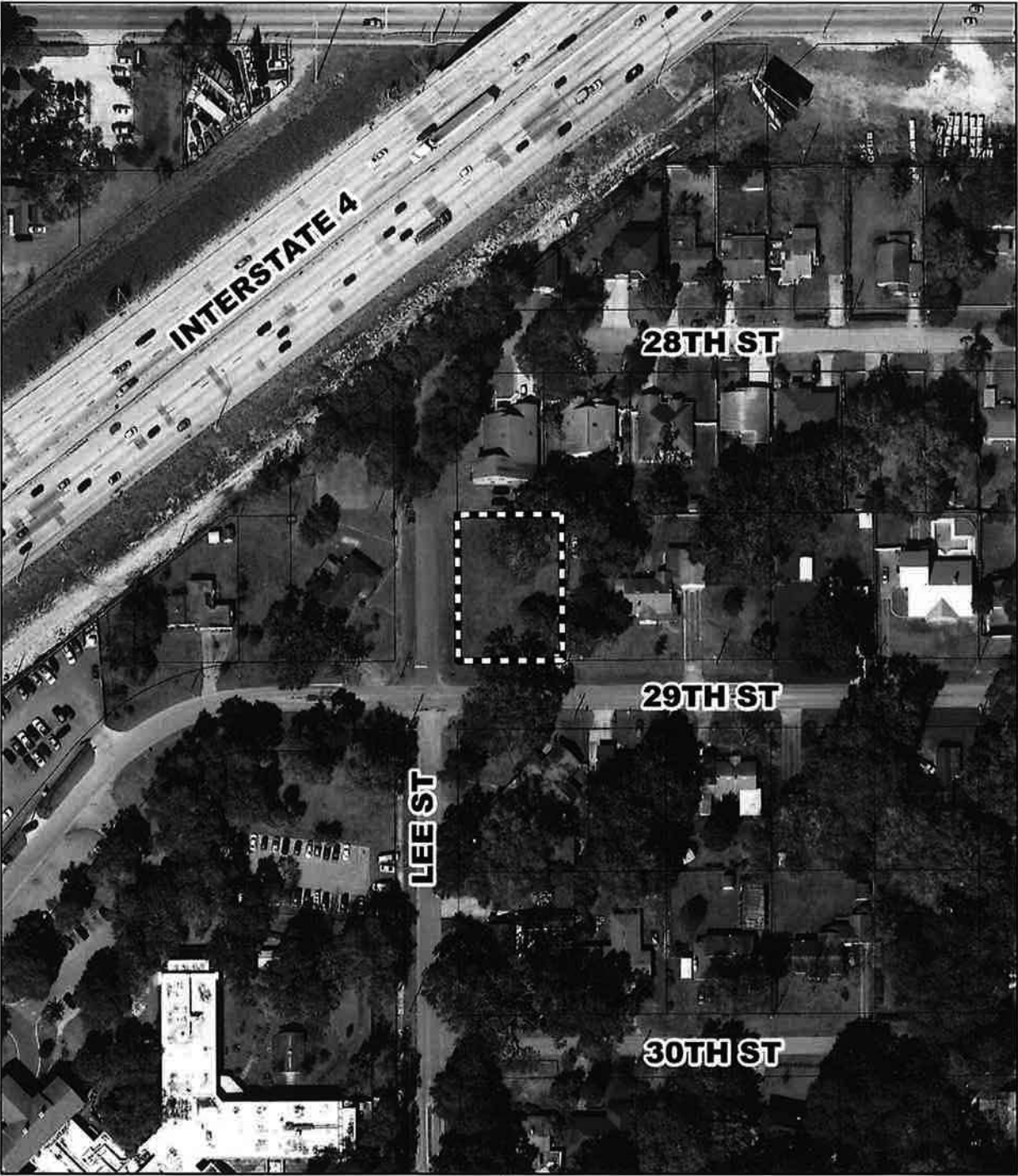
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 Subject Property

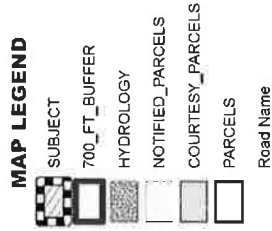
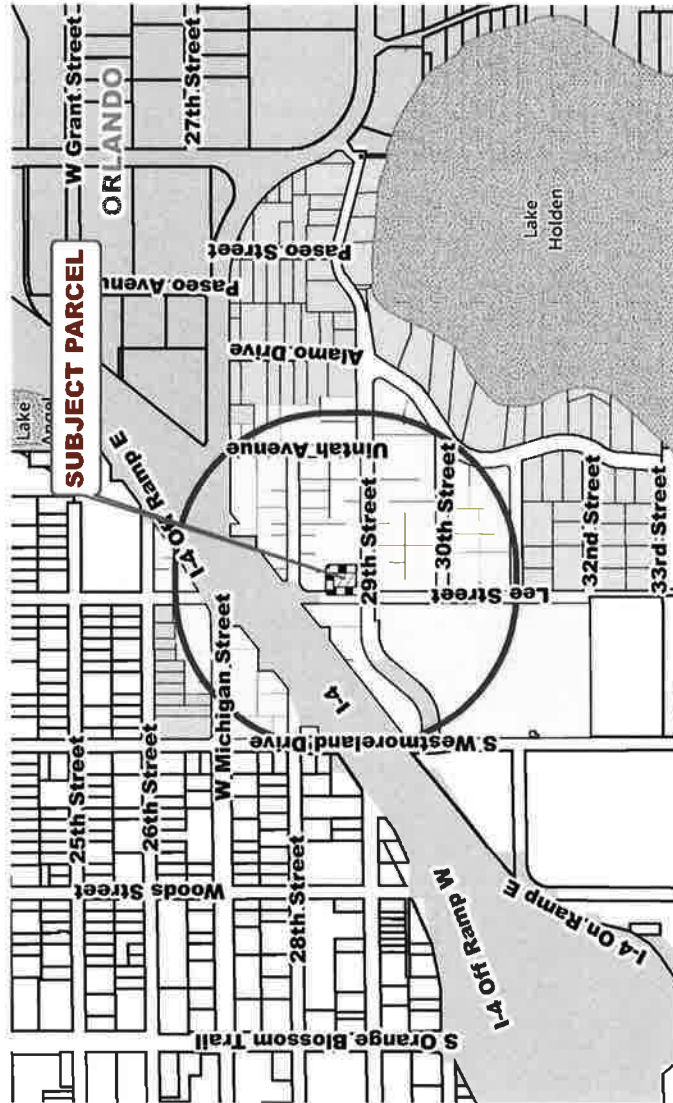


1 inch = 125 feet

Notification Map

Public Notification Map

29TH STREET, RZ-19-10-045



700 : FT BUFFER
173 : NOTICES
52 : RESIDENTIAL COUNT

