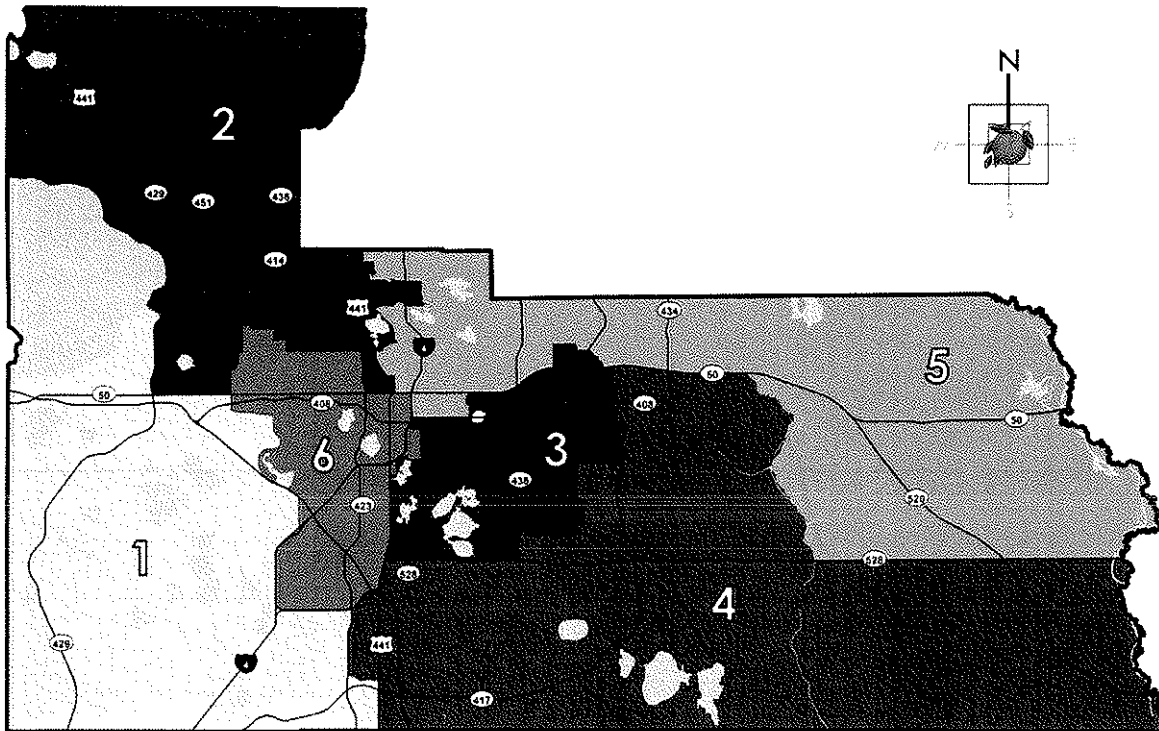


REZONING RECOMMENDATIONS

OCTOBER 28, 2016



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

James Dunn District #1

Marvin Barrett District #2

Tina Demostene District #3

Pat DiVecchio District #4

Rick V. Baldocchi District #5

JaJa J. Wade District #6
Vice - Chairman

Paul Wean At Large

Yog Melwani At Large

Jose Cantero At Large
Chairman

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<u>Case # Applicant</u>	<u>Request</u>	<u>Commission District</u>	<u>Recommendations Staff</u>	<u>PZC</u>	<u>BCC Hearing Required</u>
I. CONVENTIONAL REZONING PUBLIC HEARINGS					
RZ-16-09-034 Timothy Green	<i>A-1 to R-CE-C</i>	1	Approval	Approval	No
RZ-16-10-036 William M. Lindeman	<i>R-1A to R-1</i>	5	Approval	Approval	No
RZ-16-10-037 Debra Sibille	<i>A-1 & C-1 to A-1</i>	5	Approval	Approval	No
II. PLANNED DEVELOPMENT (PD) REZONING PUBLIC HEARINGS					
LUP-16-06-232 Tyrone K. Smith (Dr. Phillips Area Relief High School)	<i>R-CE & PD to PD</i>	1	Approval with sixteen (16) conditions	Approval with sixteen (16) conditions	Yes
LUP-16-06-203 James McNeil, Esq. (Heartwood PD)	<i>A-2 to PD</i>	5	Approval with twelve (12) conditions	Approval with twelve (12) conditions	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	35	50	10	35	*
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	45	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	*
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	*
R-1AA	10,000	1,200	85	25†	30†	7.5	35	*
R-1A	7,500	1,200	75	20†	25†	7.5	35	*
R-1	5,000	1,000	50	20†	20†	5†	35	*
R-2	One-family dwelling, 4,500	1,000	45*****	20†	20†	5†	35	*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three DUs, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10*****	35**, ***	*
R-3	One-family dwelling, 4,500	1,000	45*****	20†	20†	5	35	*
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three dwelling units, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10*****	35**, ***	*
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
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	N/A	*
R-T-1								
SFR	4,500*****	45*****	1,000	25/20 ††	25/20 ††	5	35	*
Mobile home	4,500*****	45*****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ††	5	35	*
R-T-2	6,000	60	SFR 500	25	25	6	N/A	*
(prior to 1/29/73)			Min. mobile home size 8 ft. x 35 ft.					
(after 1/29/73)	21,780 ½ acre	100	SFR 600	35	50	10	N/A	*
			Min. mobile home size 8 ft. x 35 ft.					

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

District	Min. lot area (sq. ft.) +††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	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 ##	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	*
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	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	*

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 all residential districts; 100, when 500 ft. or more from residential districts
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts

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

- * 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.
- ** Buildings in excess of 35 feet in height may be permitted as a special exception.
- *** Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.
- **** Side setback is 30 feet where adjacent to single-family district.
- ***** 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.
- ***** 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.
- # Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ## Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ### Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- † For lots platted on or after 3/3/97, or un-platted 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.
- † 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.

†† 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%.

††† 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), industrial-restricted (I-1A) and multi-family 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 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-16-09-034

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Timothy Green, Green Tree Development, LLC
OWNER	Antonov Mikhail
PROJECT NAME	Green Reserve Cluster Plan
HEARING TYPE	Planning and Zoning Commission (PZC)
REQUEST	A-1 (Citrus Rural District) to R-CE-C (Country Estate Cluster District)
LOCATION	3959 McKinnon Road, or generally on the south and east sides of McKinnon Road, approximately 600 feet north of Lake Butler Boulevard.
PARCEL ID NUMBER	12-23-27-0000-00-004
PUBLIC NOTIFICATION	<p>The notification area for this public hearing extended beyond 900 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred thirty-one (231) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was required for this application and was held on September 27, 2016 at Windermere Elementary School.</p>
TRACT SIZE	6.35 gross acres
PROPOSED USE	Six (6) single family lots and detached dwelling units

STAFF RECOMMENDATION

Development Review Committee – (October 19, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Green Reserve Cluster Plan dated “Received October 6, 2016” and requested R-CE-C (Country Estate Cluster District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The R-CE-C (Country Estate Cluster 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 subject property is located within the West Windermere Rural Settlement and has an underlying Future Land Use Map (FLUM) designation of RS 1/1 (Rural Settlement 1/1). This designation recognizes areas suitable for less dense, single-family development at a maximum residential density of one (1) dwelling unit per developable acre. The requested R-CE-C zoning is consistent with the underlying RS 1/1 FLUM designation and allows residential lots to be "clustered" with minimum 1/2-acre lots.

The following Comprehensive Plan (CP) provisions are applicable to the requested R-CE-C zoning, and may be considered for purposes of determining consistency:

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

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. Density shall be calculated by the total number of units divided by developable land. (Nature lakes and designated Conservation Areas are excluded from the gross land area.)

FLU8.2.1 states that land use changes shall be required to be compatible with the 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.

OBJ FLU6.2 states Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the rural services area while providing for rural communities.

FLU6.2.1 states that Rural Settlements were implemented to recognize communities that existed at the time of the 1991 CPP adoption. This policy change is being implemented as part of this update's strategy to focus development within the County's USA and discourage the proliferation of extended Rural Settlement boundaries. In

addition this policy will allow time for vacant and committed lands within existing Rural Settlements to develop as a means of satisfying this style of living.

FLU6.2.5 states that the permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

FLU6.2.6 The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density does not exceed that specified on the Future Land Use Map. Density and Floor Area Ratio (FAR) calculations shall be defined as the language specified in the Future Land Use Element Policy FLU1.1.2(C). (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19; Amended 6/10, Ord. 10-07, Policy 1.1.11)

Clustering shall be supported to maintain the rural character through preservation of open space and lot layout and design. Generally recognized and accepted conservation subdivisions can be used where they minimize impacts on areas with rural character provided their use is consistent with the overall intent of Rural Settlement boundaries.

Clustering, with permanent protection of open space, shall be encouraged or required for all new development and redevelopment within the Wekiva Study Area, based on location, i.e., Urban Service Area, Rural Service Area, Rural Settlement, Growth Center and overall project acreage.

GOAL OS1 It is a goal of Orange County to protect and preserve valuable open space resources.

Community Meeting Summary

A community meeting was held on for this request on October 27, 2017 at Windermere Elementary School. There were 5 residents in attendance. The residents were overall neutral to the request, with concerns raised regarding proximity of septic tanks to nearby lakes and utility connections.

SITE DATA

Existing Use	Warehouse
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) PD (Planned Development District, Windermere Estates) (1994) E: A-1 (Citrus Rural District) (1957)

- W: A-1 (Citrus Rural District) (1957)
R-CE-C (Country Estate Cluster District) (1998)
S: R-CE-C (Country Estate Cluster District) (1994)
- Adjacent Land Uses**
- N: Open Space / Park
E: Single-family residential
W: Single-family residential
S: Single-family residential

R-CE-C (COUNTRY ESTATE CLUSTER DISTRICT) DEVELOPMENT STANDARDS

Min. Lot Area:	1/2 acre (21,780 sq. ft.)
Min. Lot Width:	100 ft.
Max. Height:	2-story / 35 ft.
Min. Living Area:	2,400 sq. ft. (as proposed)
Max. Lot Coverage:	60%

Building Setbacks:	
Front:	30 ft.
Rear:	25 ft.
Side:	10 ft.
Side Street:	15 ft.

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

Permitted Uses

The intent and purpose of the R-CE-C zoning district is to provide an alternative approach to residential development under specified residential zoning districts. The R-CE-C district enhances the living environment through the creation of permanent open space and provides flexibility in lot size, housing styles and building placement for a variety in development design compatible with abutting development. The district maintains gross densities compatible with and equal to those possible under the conventional zoning.

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 single-family dwellings, home occupations (as defined in Sec. 38-1 of the Orange County Code), citrus and fruit crop cultivations, etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 3959 McKinnon Road; or generally located on the south and east sides of McKinnon Road, approximately 600 feet north of Lake Butler Boulevard, and is currently developed with a warehouse. Through this request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-CE-C (Country Estate Cluster District) in order to develop the subject property with 6 single-family detached residential homes on minimum 1/2-acre lots. Consistent with the underlying Rural Settlement 1/1 Future Land Use Map (FLUM) designation and R-CE-C zoning, residential density would be limited to 1.0 unit per developable acre, with a minimum lot size of a half (1/2) acre.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural Settlement 1/1 (RS 1/1) 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.

Rural Settlement

The subject property is located within the West Windermere Rural Settlement.

Joint Planning Area (JPA)

The subject property is located within the Winter Garden JPA; City staff was notified of the request, but provided no comments or objections.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Wetlands are located on site. Prior to approval of any development plans or permit applications, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Orange County Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

This site is located adjacent to but outside of the geographical limits of the Wekiva Study Area.

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

Prior to demolition or construction activities associated with existing structures, provide Orange County EPD with a Notice of Asbestos Renovation or Demolition form.

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

This project site has a prior agricultural use that may have resulted in spillage of petroleum products, fertilizer, pesticide or herbicide. If the site is determined to have soil or groundwater contamination, then prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

Transportation / Access

The proposed 6 single family dwelling units will generate 8 PM peak hour trips. Based on the Concurrency Management System database dated August 16, 2016, there are no failing roadways within the project impact area. However, the applicant will be required to obtain an approved Capacity Encumbrance Letter (CEL) prior to the issuance of any building permits.

Code Enforcement

There are no active code enforcement violations on the subject property.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 24-inch main is located in the McKinnon Road right of way abutting the subject property.
Wastewater:	Orange County Utilities	The nearest wastewater main is a 4-inch force main located on McKinnon Road at

Casabella Drive, approximately 2230 feet south of the subject property.

Reclaim Water: Orange County Utilities

An 8-inch main is located approximately 700 feet south of the subject property on McKinnon Road.

Schools

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

Parks and Recreation

The Parks and Recreation Division reviewed the request, but did not provide any objections.

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 – (October 28, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Green Reserve Cluster Plan dated “Received October 6, 2016” and requested R-CE-C (Country Estate Cluster District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

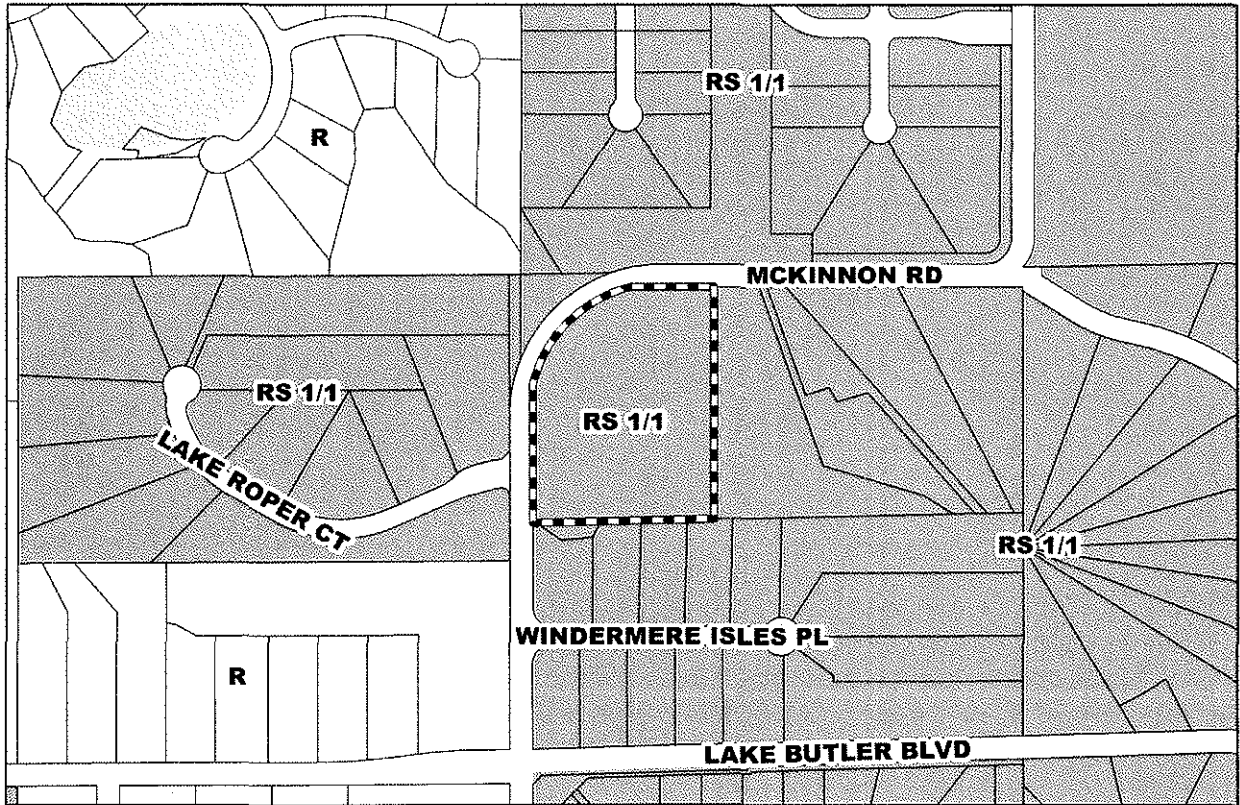
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-CE-C (Country Estate Cluster District) zoning.

Staff indicated that two hundred thirty-one (231) notices were mailed to surrounding property owners within a buffer extending beyond 900 feet from the subject property, with six (6) responses in opposition and one (1) in favor of the request received. Staff also indicated that the City of Winter Garden had been notified of the request, but that no objections or concerns had been received. Finally, the applicant was present and expressed support for the staff recommendation.

Following brief PZC discussion regarding open space and drainage, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-CE-C (Country Estate Cluster District) zoning. Commissioner Baldocchi seconded the motion, which was then carried on a 5-2 vote.

Motion / Second	<i>James Dunn / Rick Baldocchi</i>
Voting in Favor	<i>James Dunn, Rick Baldocchi, Jaja Wade, Yog Melwani, and Jose Cantero</i>
Voting in Opposition	<i>Paul Wean and Tina Demostene</i>
Absent	<i>Pat DiVecchio and Marvin Barrett</i>

RZ-16-09-034



 Subject Property

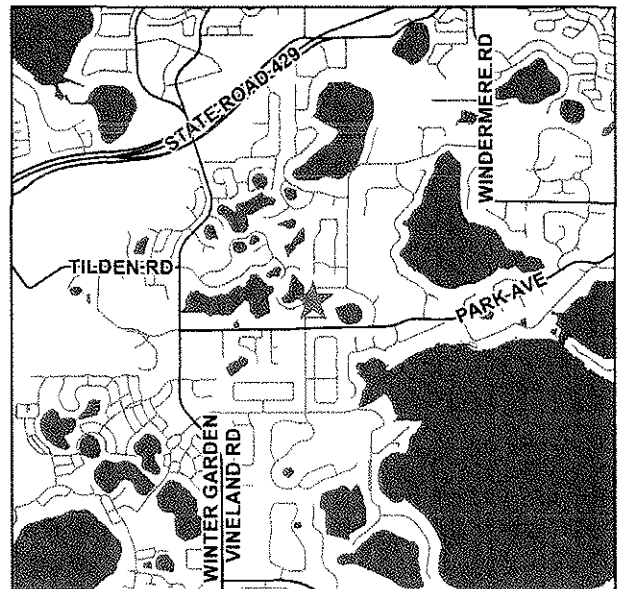


 Subject Property

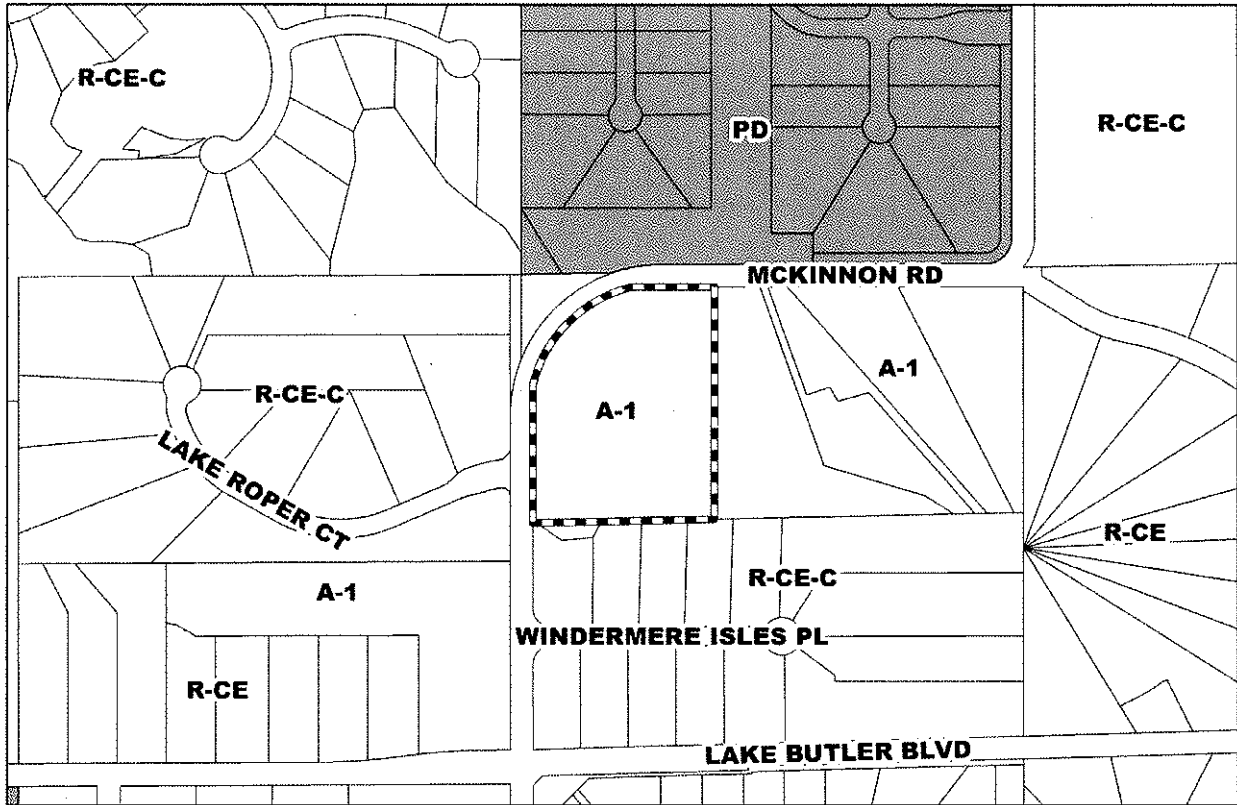
Future Land Use Map

FLUM: Rural Settlement 1/1 (RS 1/1)
APPLICANT: Timothy Green, Green Tree Development, LLC
LOCATION: 3959 Mckinnon Road, or generally located on the south and east sides of Mckinnon Road, approximately 600 feet north of Lake Butler Boulevard
TRACT SIZE: 6.35 gross acres
DISTRICT: # 1
S/T/R: 12/23/27

1 inch = 417 feet



RZ-16-09-034



Subject Property



Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to R-CE-C (Country Estate Cluster District)

APPLICANT: Timothy Green, Green Tree Development, LCC

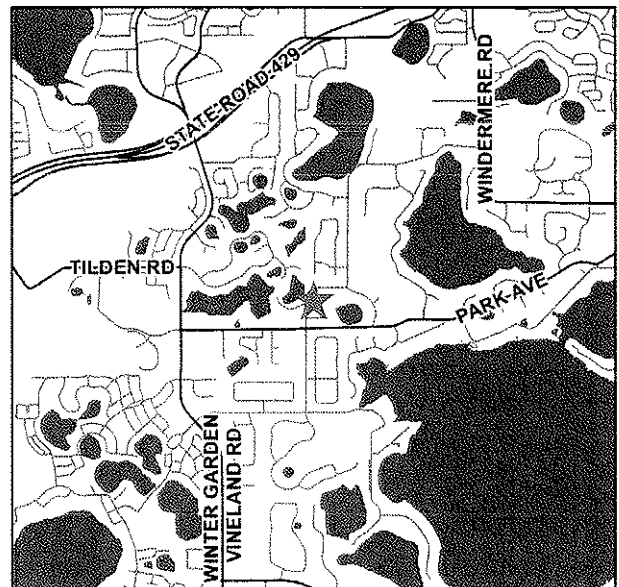
LOCATION: 3959 Mckinnon Road, or generally located on the south and east sides of Mckinnon Road, approximately 600 feet north of Lake Butler Boulevard

TRACT SIZE: 6.35 gross acres

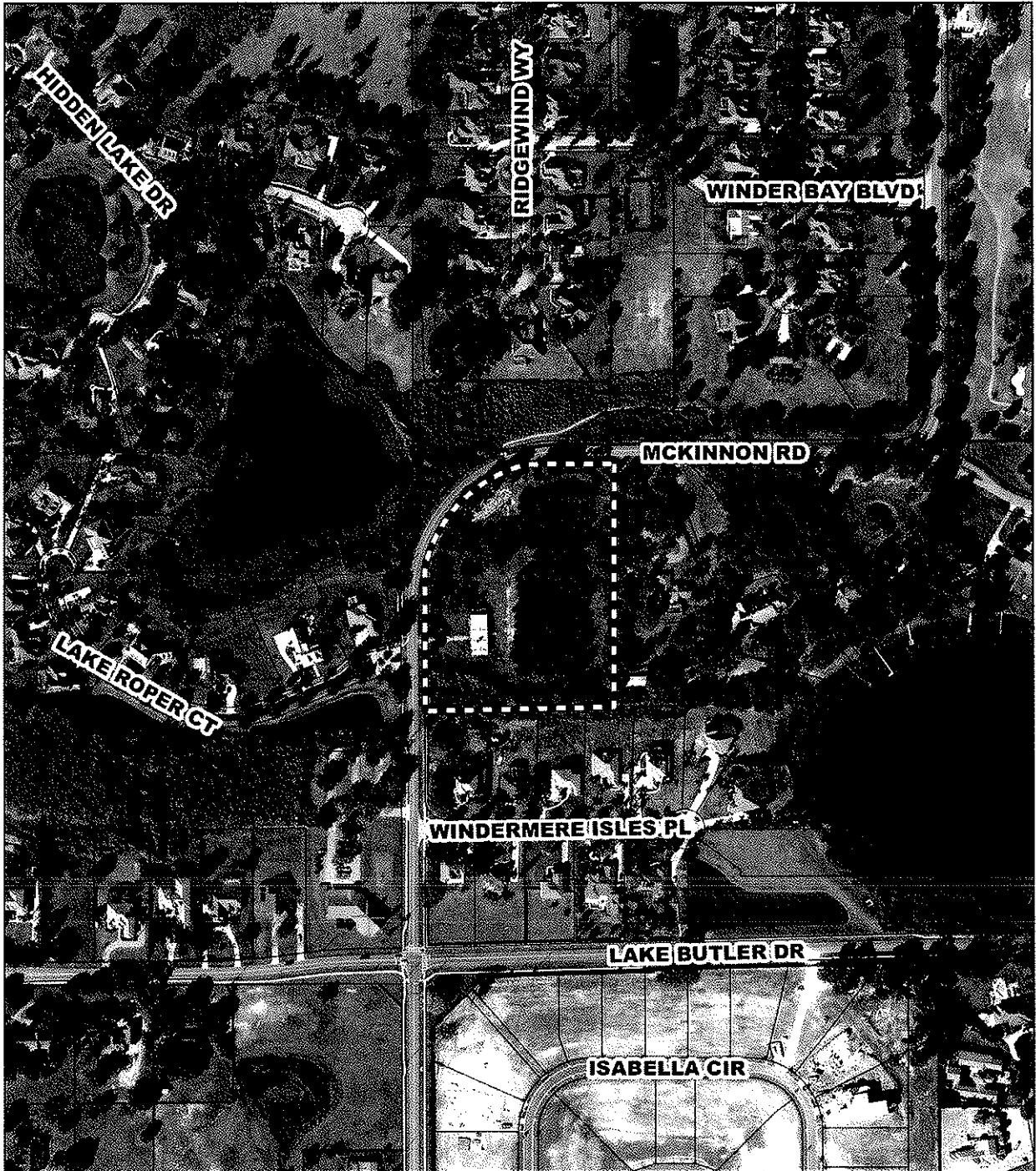
DISTRICT: # 1

S/T/R: 12/23/27

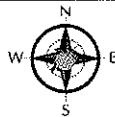
1 inch = 417 feet



RZ-16-09-034



 Subject Property



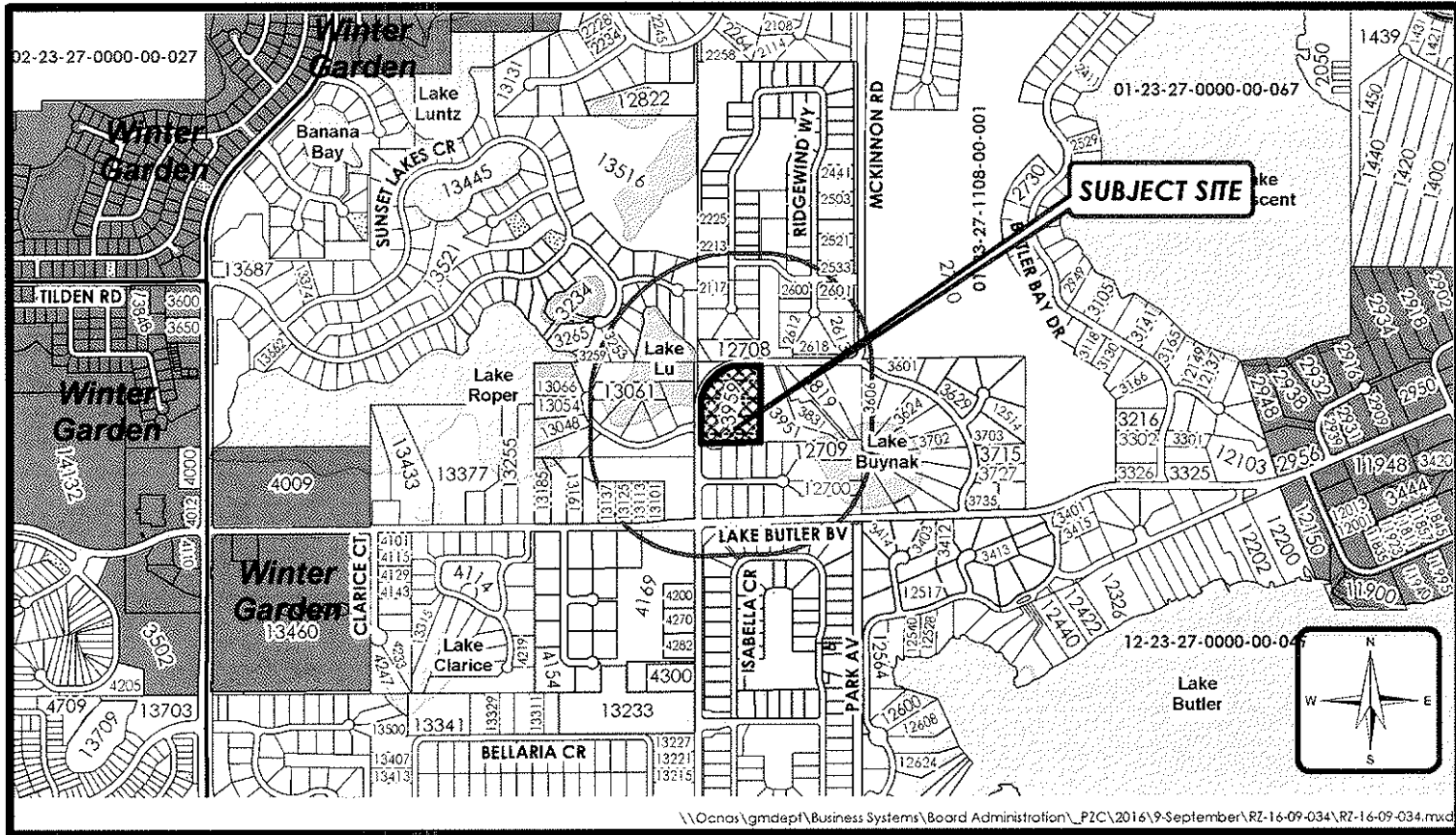
1 inch = 333 feet



Public Notification Map

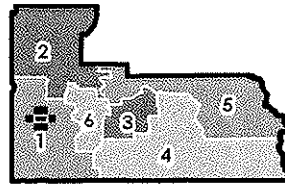
RZ-16-09-034

900 FT BUFFER, 231 NOTICES



\\Ocnas\gmdepl\Fusiness Systems\Board Administration_PZC\2016\9-September\RZ-16-09-034\RZ-16-09-034.mxd

MAP LEGEND			
	SUBJECT		COURTESY NOTICES
	900 FT BUFFER		PARCELS
	HYDROLOGY		
	NOTIFIED PARCELS		



1 inch = 1,146 feet
Feet

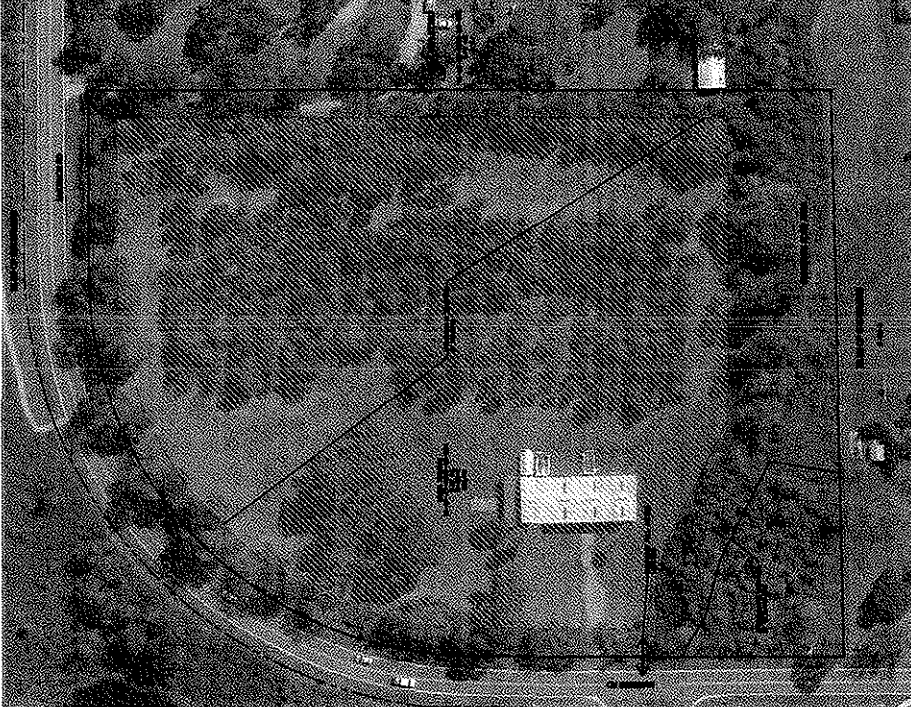


Notification Map

Case # RZ-16-09-034
Orange County Planning Division
PZC Hearing Date: October 28, 2016

Green Reserve Cluster Plan

GREEN RESERVE CLUSTER DEVELOPMENT PLAN
 RZ-16-09-034
 PARCEL ID #12-23-27-0000-00-004
 ORANGE COUNTY, FL
 SEPTEMBER 2016



GREEN RESERVE CLUSTER PLAN
 3959 MCKINNON RD. WINDERMERE, FL

PROJECT NAME: GREEN RESERVE
 SHEET NO.: C-1

DATE: 09/17/2015

SCALE: 1" = 20'

SITE DATA

GENERAL INFORMATION:
 LOCATION: 3959 MCKINNON RD. WINDERMERE, FL 34786
 PROJECT NO.: 16-09-034
 DATE: 09/17/2015
 SCALE: 1" = 20'

GENERAL NOTES:
 1. DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
 2. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
 3. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND VEGETATION.
 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ROADS AND DRIVEWAYS.
 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
 6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND VEGETATION.
 7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ROADS AND DRIVEWAYS.
 8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.

LAND USE AND SITE DATA SUMMARY

LAND USE DISTRICT	TOTAL AREA (AC)	CONSERVATION AREA (AC)	DEVELOPABLE AREA (AC)	NET DENSITY	1 TO 1/2 AC	1 TO 1/4 AC
RESIDENTIAL	8.26 AC	0.29 AC	8.00 AC	1.00	1.00	1.00

PEAK TRIP GENERATION

DESCRIPTION	PEAK TRIP GENERATION (TRIPS PER HOUR)	PEAK TRIP GENERATION (TRIPS PER HOUR)	PEAK TRIP GENERATION (TRIPS PER HOUR)
RESIDENTIAL	1.00	1.00	1.00

STUDENT POPULATION PER O.C. STUDENT

SCHOOL TYPE	RESIDENTIAL	MULTI-FAMILY PER UNIT	STUDENT POPULATION
RESIDENTIAL	1.00	1.00	1.00

CASE # RZ-16-10-036
Commission District: # 5

GENERAL INFORMATION

APPLICANT	William M. Lindeman
OWNER	William M. Lindeman
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	5500 Barton Drive; or generally located on the west / southwest side of Barton Drive, approximately 800 feet north of E. Colonial Drive
PARCEL ID NUMBER	21-22-30-4312-04-080
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 700 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred sixty-eight (168) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.09 gross acres
PROPOSED USE	Lot split and construction of one (1) single-family detached dwelling on each lot

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 R-1 (Single-Family Dwelling District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

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-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)
Adjacent Land Uses	N: Single-Family Dwelling
	E: Single-Family Dwelling
	W: Single-Family Dwelling
	S: Single-Family Dwelling

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.

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

Permitted Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is currently undeveloped and is located at 5500 Barton Drive; or generally on the west / southwest side of Barton Drive, approximately 800 feet north of E. Colonial Drive.

The immediate neighborhood and area of the subject property can be characterized as a single-family detached neighborhood, with two-family (duplex) and multi-family development situated to the north, and commercial development to the south along the E. Colonial Drive corridor. Similar to other properties with the Lake Barton Park subdivision, which was platted on December 14, 1925, the subject parcel is comprised of two 50-foot wide platted lots that are inconsistent with existing R-1A zoning performance standards.

Therefore, through this request, the applicant is seeking to rezone the subject property to R-1 in order to allow development of one (1) single family home on each of the two platted lots.

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.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is within the SR 436 / SR 50 Corridor Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "C". A Waiver of Claim shall be executed between the applicant and Greater Orlando Aviation Authority (GOAA) prior to approval of any building within this airport noise zone. Additionally, incorporation of sound level reduction (SLR) of at least 25db into the building design, in accordance to Orange County Code Section 9-604, is required.

Environmental

Wetlands and surface waters are located on site as reported in the Preliminary Ecological Site Assessment dated June 8, 2016, submitted with this request. Prior to construction, clearing, filling, alteration or grading, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The subject parcel includes a portion of Little Lake Barton with Normal High Water Elevation (NHWE) established at 90.6 feet NAVD 88 (91.7 feet NGVD 29) in the Lake Index of Orange County. Clearly label and indicate the NHWE line of the lake on all development plans or permit applications, in addition to any wetland and setback lines.

Approval of this request does not grant permission for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier, or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall first apply for a permit to the Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction. Note that the lot must meet setbacks and other boat dock permit specification requirements.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter

37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. Lakefront lots have specific setback requirements: no less than 75 feet from jurisdictional wetlands and the design high water level of normally wet stormwater retention areas, and 150 feet from the normal high water elevation (NHWE) of surface water bodies and canals connected to surface water bodies.

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

Transportation / Access

This parcel is located in the Alternative Mobility Area (AMA) and is exempt from transportation concurrency requirements. The proposed development of 2 single family dwelling units will generate 3 PM peak hour trips and therefore will not cause any significant impacts on the surrounding roadway network.

Transit service is available within a 1/4 mile radius of the subject property. The sidewalks are complete and continuous for pedestrians however, there is no signed bicycle route in the area.

An approved Capacity Encumbrance Letter (CEL) is also required from the Concurrency Management Office prior to obtaining building permit.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8 inch gravity main is located at the corner of Barton Dr and Roush Ave
Reclaim Water:	Orange County Utilities	There are no reclaimed water mains in the vicinity of this property

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimus"; 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.

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 – (October 28, 2016)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

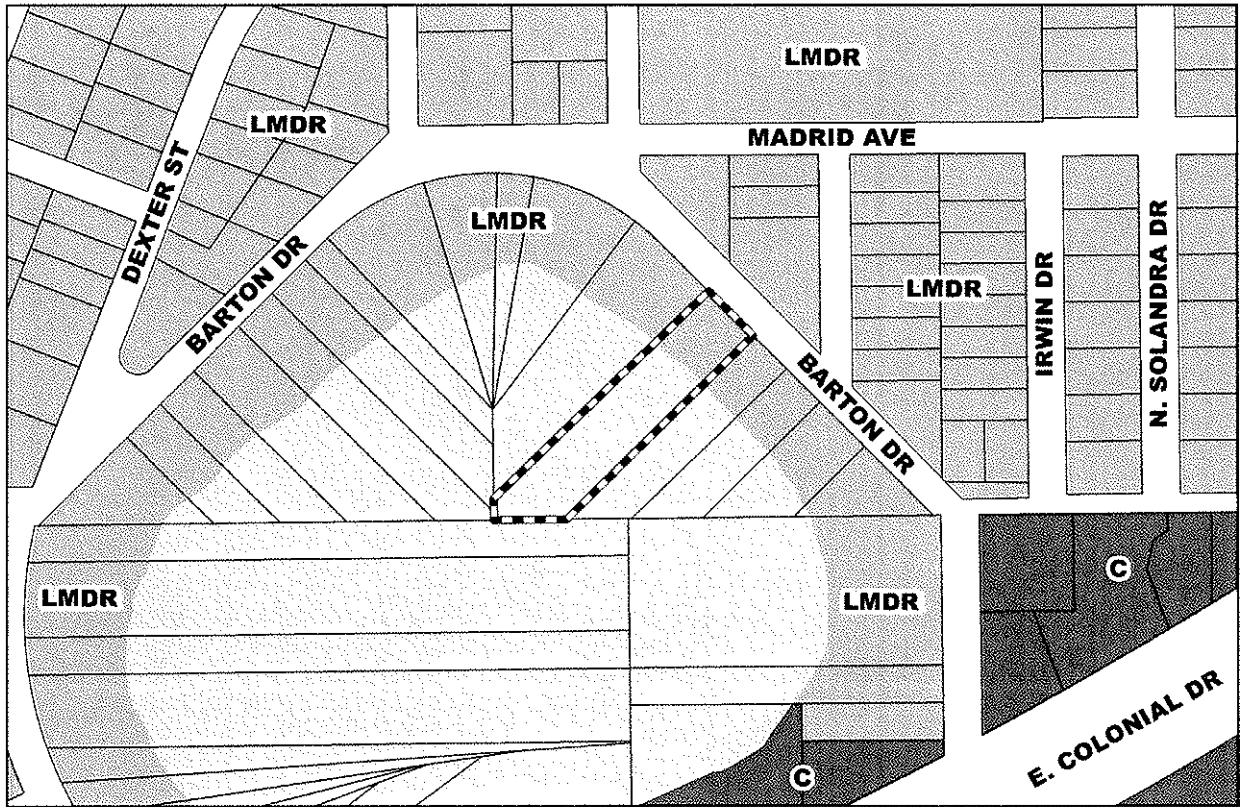
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1 (Single-Family Dwelling District) zoning.

Staff indicated that one hundred sixty-eight (168) notices were mailed to surrounding property owners within a buffer extending beyond 700 feet from the subject property, with no responses in opposition and four (4) in favor of the request received. Finally, the applicant was present and expressed support for the staff recommendation.

Following brief PZC discussion, a motion was made by Commissioner Baldocchi to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-1 (Single-Family Dwelling District) zoning. Commissioner Melwani seconded the motion, which was then carried on a 7-0 vote.

Motion / Second	<i>Rick Baldocchi / Yog Melwani</i>
Voting in Favor	<i>Rick Baldocchi, Yog Melwani, Paul Wean, Jaja Wade, James Dunn, Tina Demostene, and Jose Cantero</i>
Voting in Opposition	<i>None</i>
Absent	<i>Pat DiVecchio and Marvin Barrett</i>

RZ-16-10-036



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: William M. Lindeman

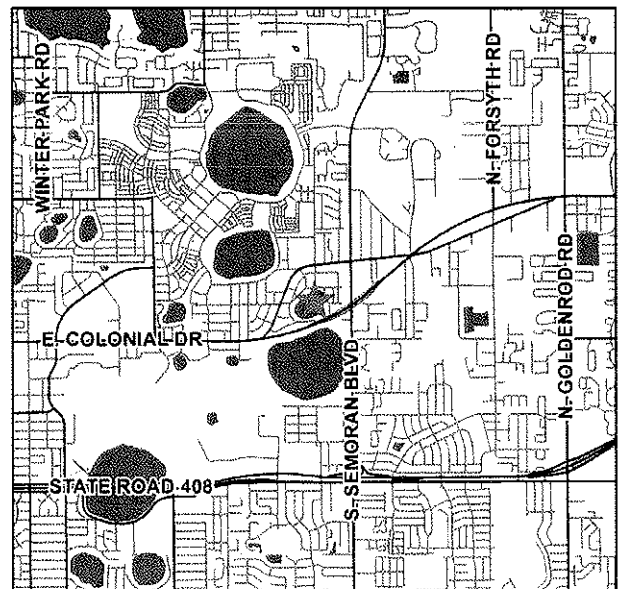
LOCATION: 5500 Barton Drive; or generally located on the west / southwest side of Barton Drive, approximately 800 feet north of E. Colonial Drive

TRACT SIZE: 1.09 gross acres

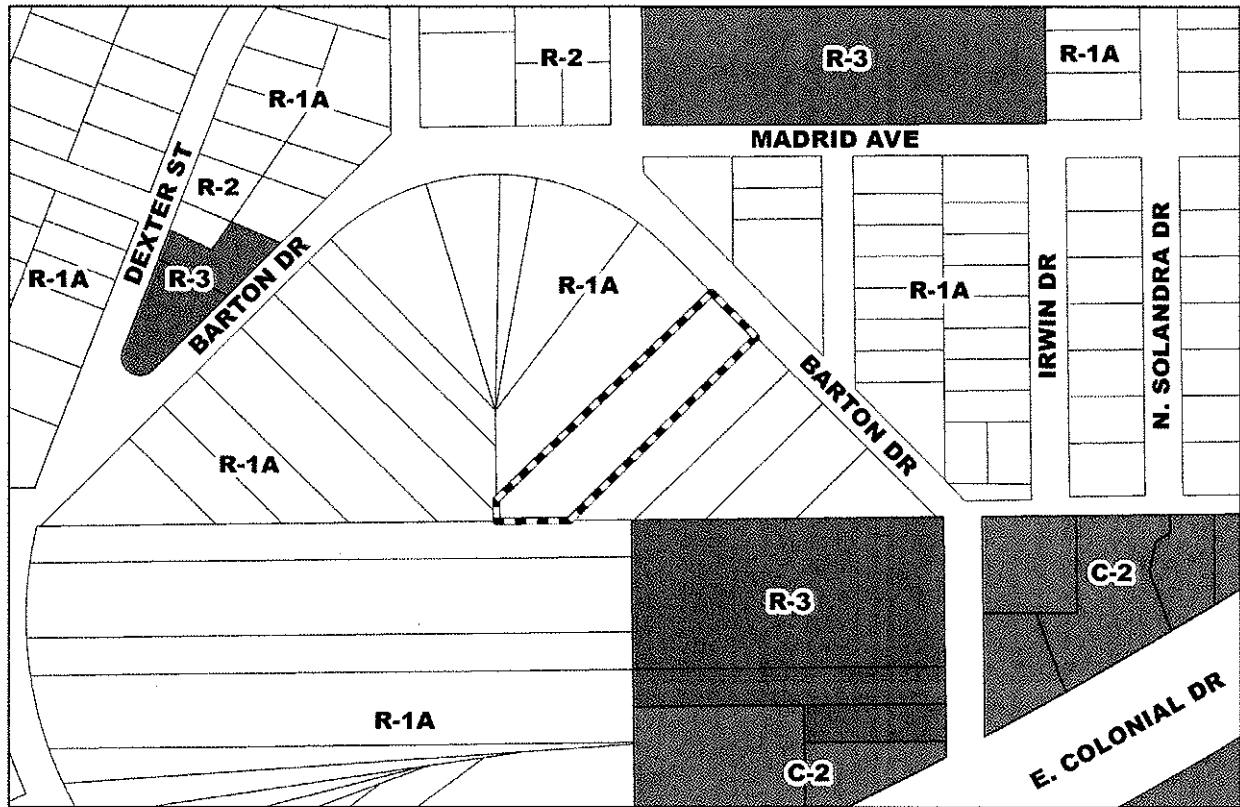
DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 250 feet



RZ-16-10-036



Subject Property



Subject Property

Zoning Map

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

APPLICANT: William M. Lindeman

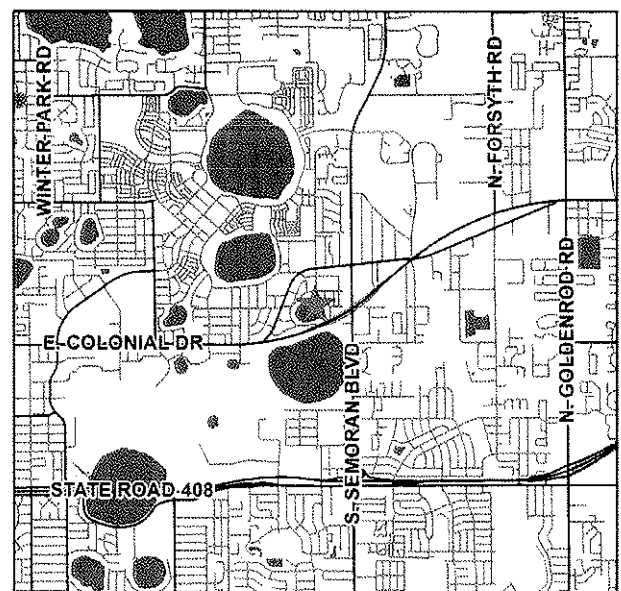
LOCATION: 5500 Barton Drive; or generally located on the west / southwest side of Barton Drive, approximately 800 feet north of E. Colonial Drive

TRACT SIZE: 1.09 gross acres

DISTRICT: # 5

S/T/R: 21/22/30

1 inch = 250 feet



RZ-16-10-036

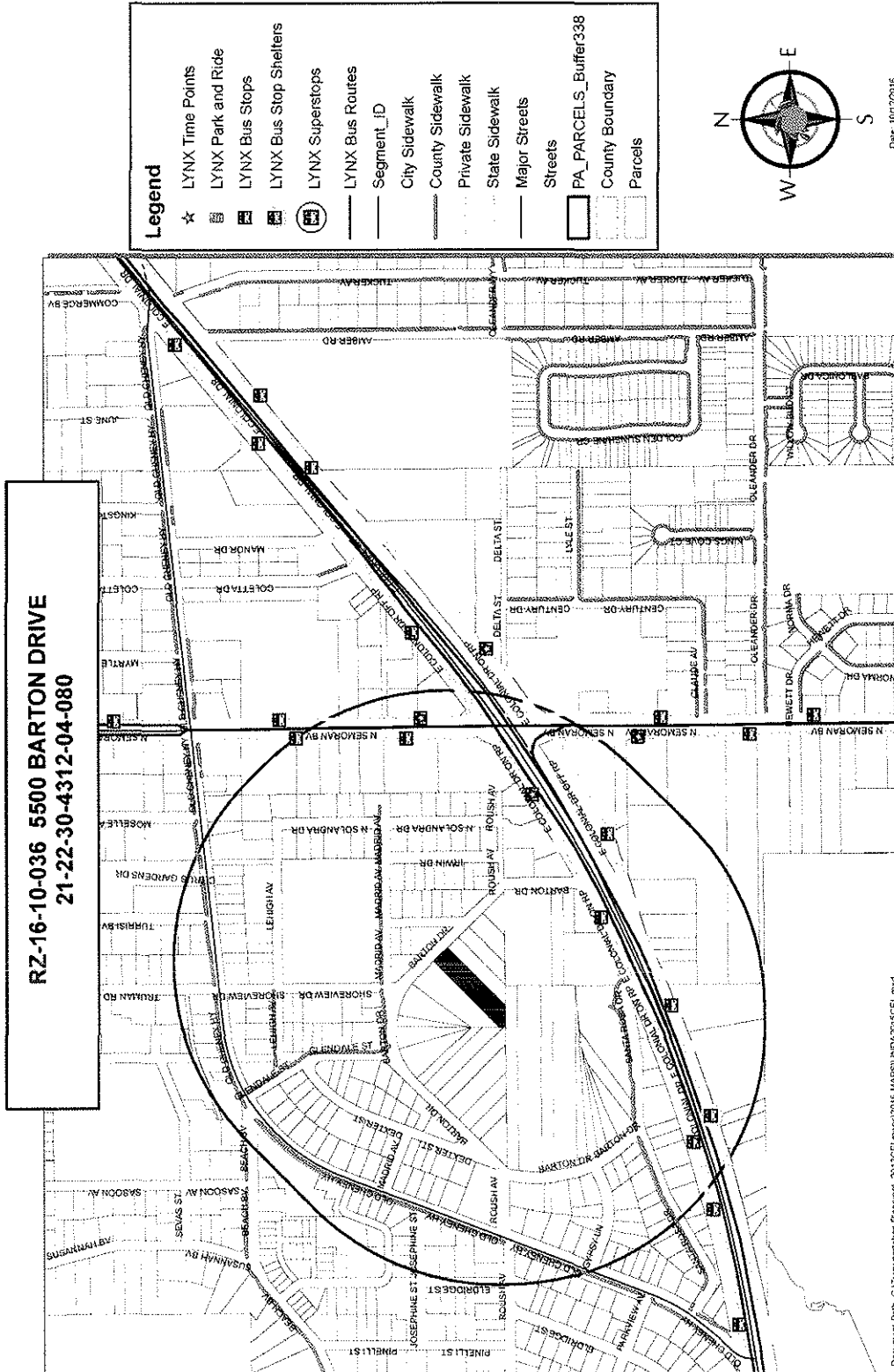


Subject Property



1 inch = 208 feet

Alternative Mobility Area Context Map





Public Notification Map

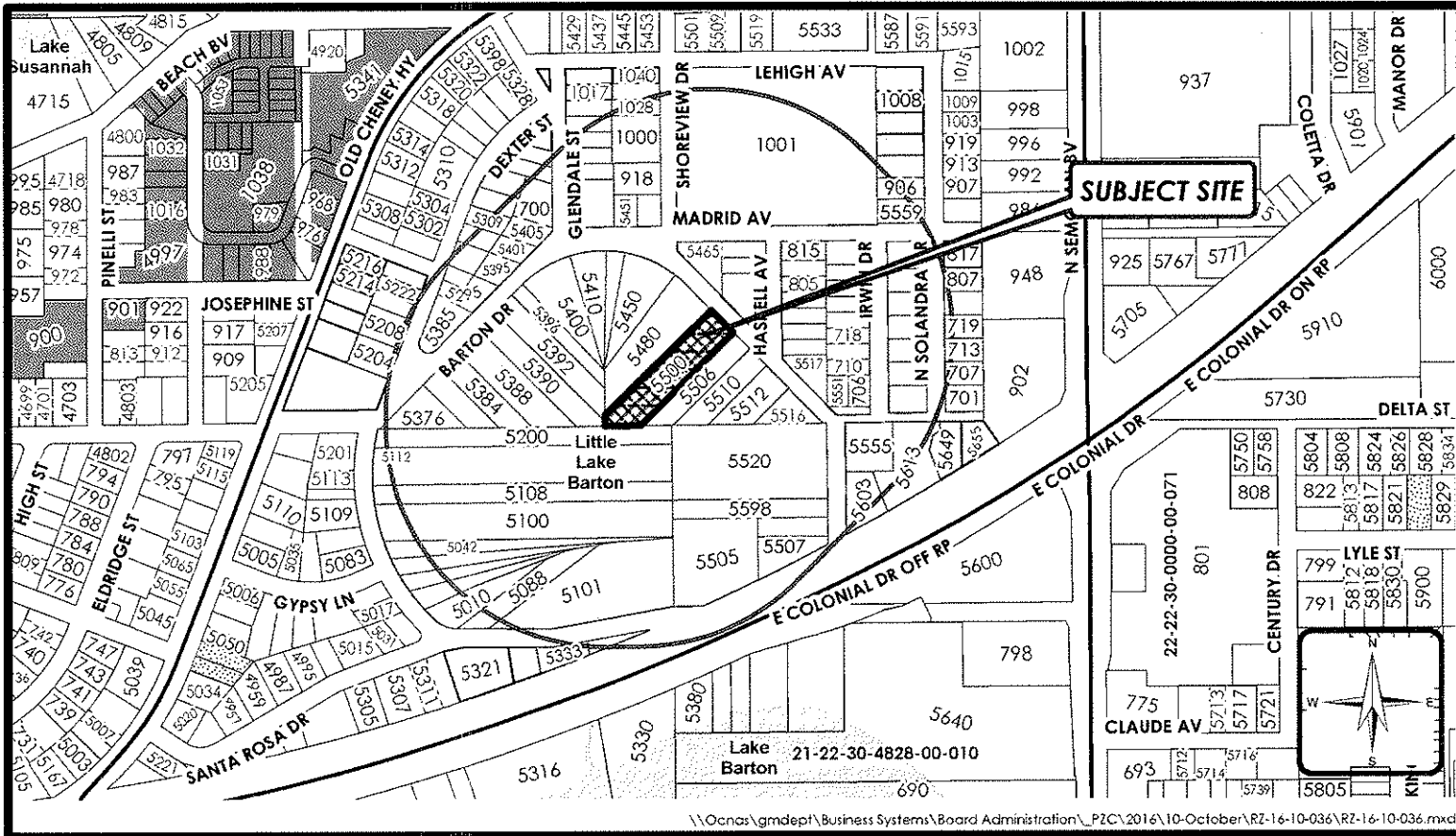
RZ-16-10-036

700 FT BUFFER, 168 NOTICES

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 28, 2016

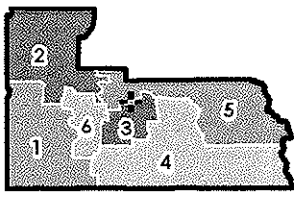
Notification Map



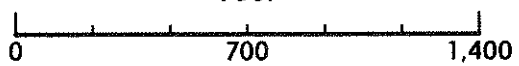
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MAP LEGEND

	SUBJECT		HYDROLOGY
	700 FT BUFFER		PARCELS
	NOTIFIED PARCELS		
	COURTESY NOTICES		



1 inch = 453 feet



CASE # RZ-16-10-037

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Debora Sibille
OWNER	Jorge Edgardo Sibille
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) & C-1 (Retail Commercial District) to A-1 (Citrus Rural District)
LOCATION	21734 E. Colonial Drive; or generally located between E. Colonial Drive and Ridgeline Court, approximately 400 feet west of Surinam Drive
PARCEL ID NUMBER	31-22-33-1332-02-070
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred eighteen (118) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.38 gross acres
PROPOSED USE	One single-family dwelling

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-1 (Citrus Rural District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The A-1 (Citrus Rural 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 Rural / Agricultural (R). The A-1 (Citrus Rural District) zoning is consistent with the Rural / Agricultural 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.

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. Density shall be calculated by the total number of units divided by developable land. (Natural lakes and designated Conservation Areas are excluded from the gross land area.)

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: A-2 (Farmland Rural District) (1957)
	E: A-1 (Citrus Rural District) (1981) C-1 (Retail Commercial District) (1958)
	W: A-1 (Citrus Rural District) (1981) C-1 (Retail Commercial District) (1958)
	S: A-2 (Farmland Rural District) (1981)

Adjacent Land Uses

N:	Undeveloped Agricultural
E:	Undeveloped Commercial
W:	Single-Family Residential
S:	Undeveloped Residential

A-1 (Citrus Rural District) Development Standards

A-1 District Summary *

Min. Lot Area:	21,780 sq. ft. (1/2 acre)
Min. Lot Width:	100 ft.
Max. Height:	35 ft.
Min. Floor Area:	850 sq. ft.
Building Setbacks:	
Front:	35 ft.
Rear:	50 ft.
Side:	10 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

Agricultural districts are intended to apply to those areas, the present or prospective use of which is primarily agricultural, or the future development of which is uncertain, and for which a more restricted zoning would be premature. The regulations in these districts are intended to permit a reasonable use of the property, while at the same time, prevent the creation of conditions which would blight or prevent the proper future use of contiguous or nearby property. The A-1 district is composed largely of land used for citrus production, nurseries, greenhouses, and vegetable farms, whereas, the A-2 district is composed largely of land used for livestock and poultry production.

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 undeveloped property is located at 21734 E. Colonial Drive; or generally located between E. Colonial Drive and Ridgeline Court, approximately 400 feet west of Surinam Drive. Through this request, the applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) and C-1 (Retail Commercial District) to A-1 (Citrus Rural District), with the intent to develop one single-family dwelling.

Orange County Comprehensive Plan (CP) Policy FLU8.1.11 states that building permits shall not be issued for development on property whose zoning, subject to exemptions provided for in the Comprehensive Plan and/or vested development rights, is inconsistent with the Future Land Use Map. As the property contains both A-1 and C-1

zoning, and that C-1 zoning is inconsistent with the underlying Rural FLUM designation, building permits for a single-family dwelling cannot be issued. Rezoning the entire property to A-1 satisfies the requirement in CP Policy FLU8.1.11 for zoning consistency on the subject property, thus allowing consideration of a single-family building permit.

This property is also considered a lot of record, as defined in Orange County Code Section 38-1, as this lot exists as it is shown on the Christmas Pines Replat, recorded on April 17, 1957. CP Policy FLU1.1.3 allows for the construction of one residential dwelling regardless of the maximum density of 1 dwelling unit per 10 acres established for the Rural FLUM designation.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural (R) 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.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

Wetlands may be located on site. Prior to approval of any Orange County building permits, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from EPD. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

Development of the subject property shall comply with all state and federal regulations

regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

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

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

Transportation / Access

The proposed project to construct 1 single-family residence will generate 1 PM Peak hour trip and will be considered de minimus.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	There are currently no mains in the vicinity of this property.
Wastewater:	Orange County Utilities	There are currently no mains in the vicinity of this property.
Reclaim Water:	Orange County Utilities	There are currently no mains in the vicinity of this property.

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimus"; 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.

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 – (October 28, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-1 (Citrus Rural District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

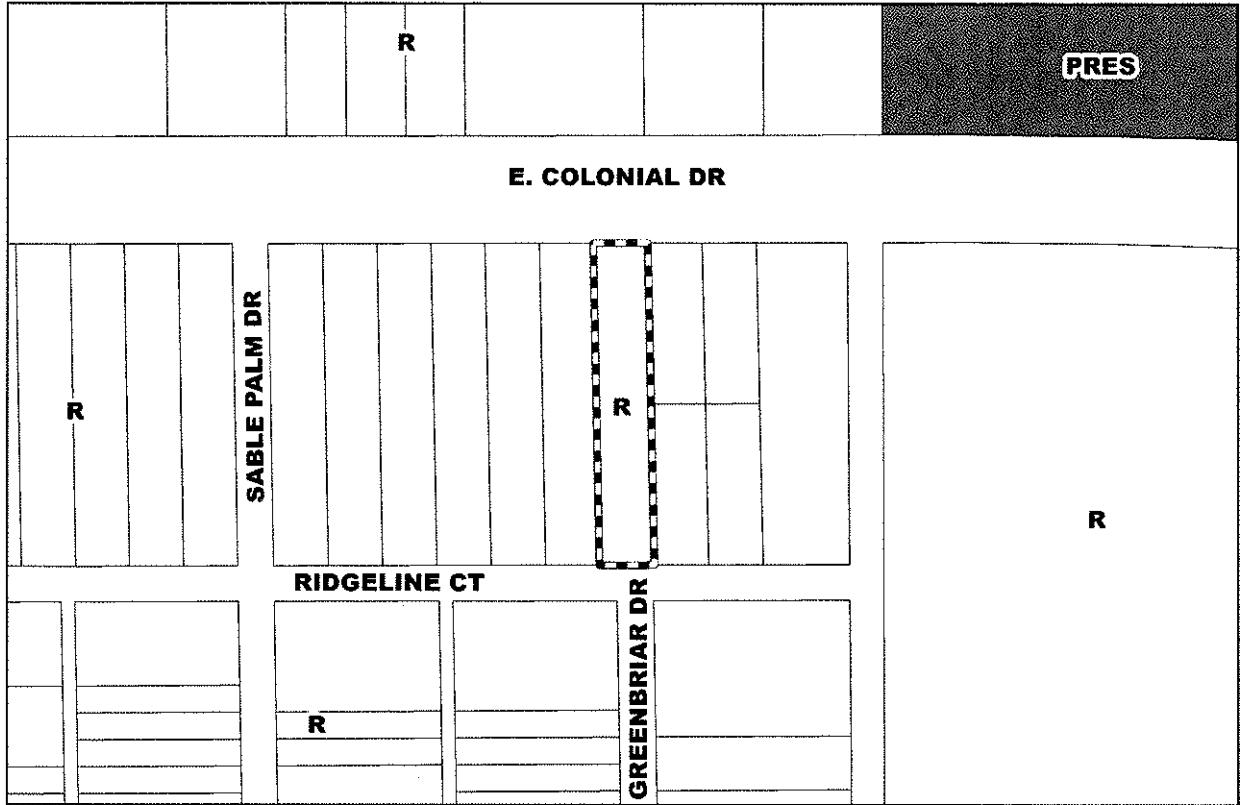
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested A-1 (Citrus Rural District) zoning.

Staff indicated that one hundred eighteen (118) notices were mailed to surrounding property owners within a buffer extending beyond 1,500 feet from the subject property, with no responses in favor or opposition of the request received. The applicant was present and expressed support for the staff recommendation.

Following brief discussion by the PZC regarding lot access, a motion was made by Commissioner Baldocchi to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the A-1 (Citrus Rural District) zoning. Commissioner Demostene seconded the motion, which was then carried on a 7-0 vote.


Motion / Second	<i>Rick Baldocchi / Tina Demostene</i>
Voting in Favor	<i>Rick Baldocchi, Tina Demostene, Paul Wean, Jaja Wade, James Dunn, Yog Melwani, and Jose Cantero</i>
Voting in Opposition	<i>None</i>
Absent	<i>Pat DiVecchio and Marvin Barrett</i>

RZ-16-10-037



 Subject Property

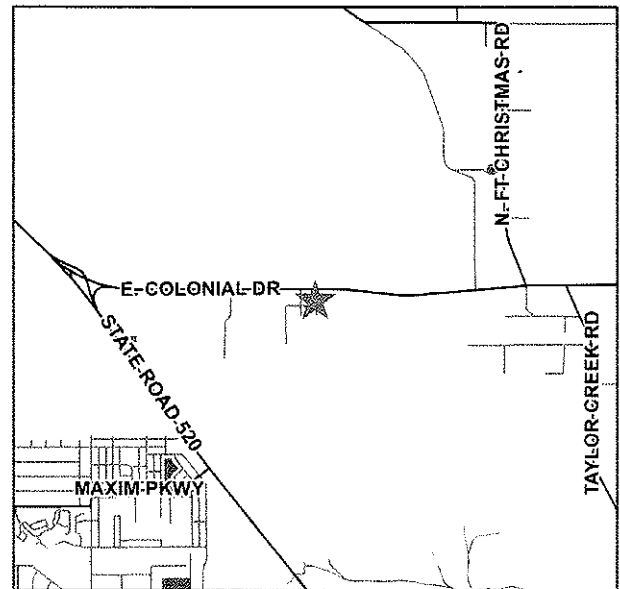


 Subject Property

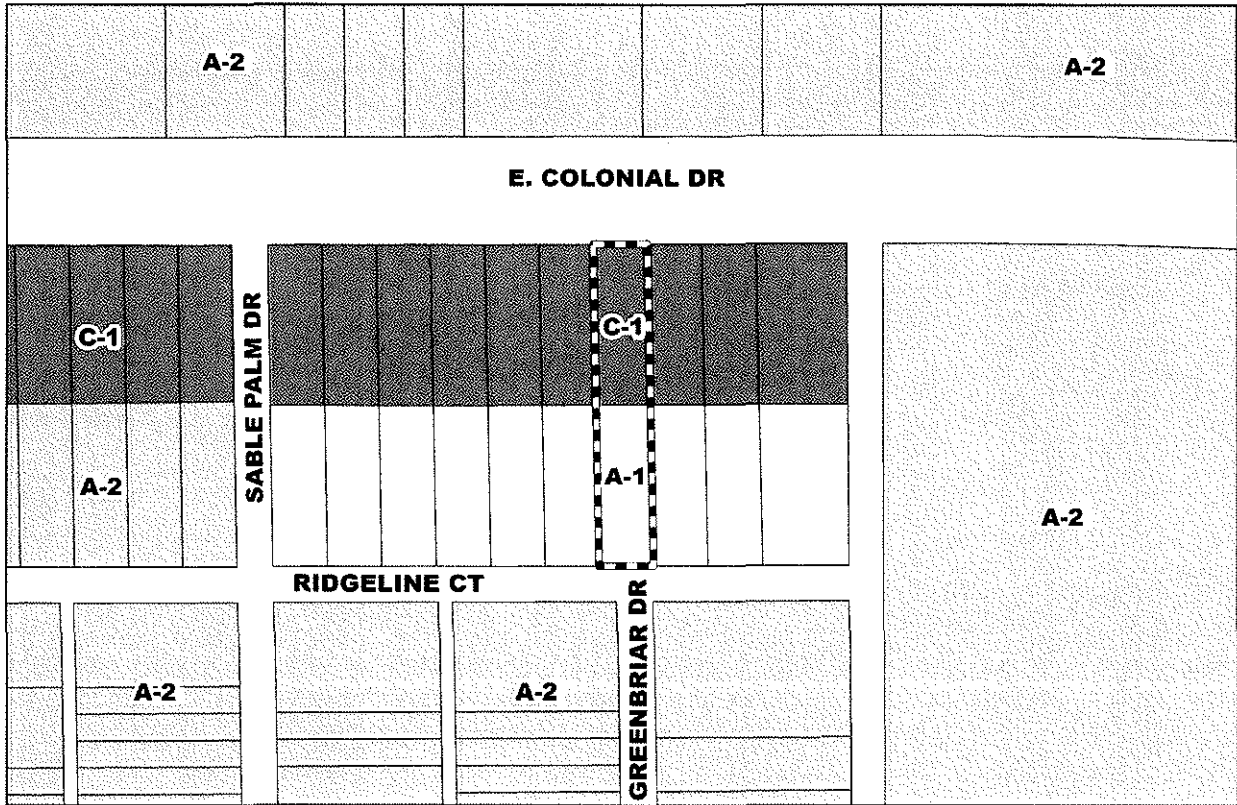
Future Land Use Map

FLUM: Rural / Agricultural (R)
 APPLICANT: Debora Sibille
 LOCATION: 21734 E. Colonial Drive; or generally located between E. Colonial Drive and Ridgeline Court, approximately 400 feet west of Surinam Drive
 TRACT SIZE: 1.38 gross acres
 DISTRICT: # 5
 S/T/R: 31/22/33

1 inch = 292 feet



RZ-16-10-037



 Subject Property



 Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) and C-1 (Retail Commercial District) to A-1 (Citrus Rural District)

APPLICANT: Debora Sibille

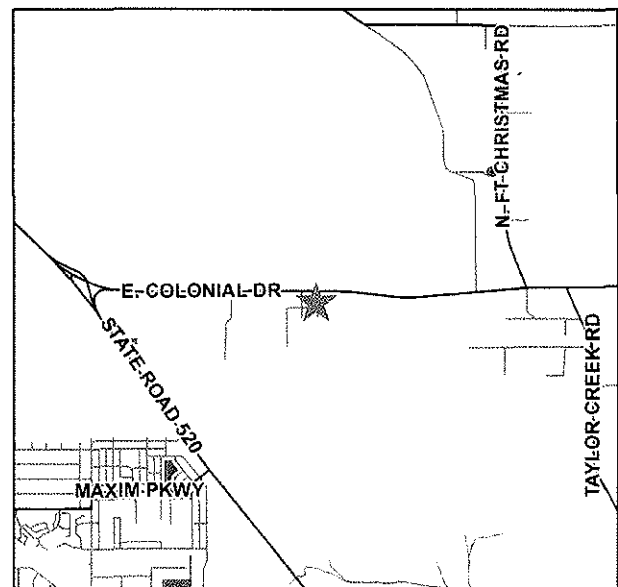
LOCATION: 21734 E. Colonial Drive; or generally located between E. Colonial Drive and Ridgeline Court, approximately 400 feet west of Surinam Drive

TRACT SIZE: 1.38 gross acres

DISTRICT: # 5

S/T/R: 31/22/33

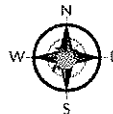
1 inch = 292 feet



RZ-16-10-037



 Subject Property



1 inch = 208 feet

