



PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

SEPTEMBER 17, 2020



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

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



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**September 17, 2020**

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<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>
<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-20-05-035 Philip L. Kruse	<i>R-1A to R-1</i>	5	Approval	Approval	No
RZ-20-09-057 David Schmitt	<i>C-3 to NC</i>	6	Approval	Approval	No
RZ-20-09-058 Cyril M Cruzada	<i>P-O to R-2</i>	5	Approval	Approval	No
RZ-20-09-060 Francisco Manso	<i>C-3 to R-1</i>	2	Approval	Approval	No
RZ-20-09-061 Rebecca Wilson	<i>I-1 / I-5 to I-1 / I-5</i>	2	Approval with six (6) restrictions	Approval with six (6) restrictions	No
LUP-19-10-347 Geoffery L. Summitt	<i>A-1 to PD</i>	1	Approval with nineteen (19) conditions	Approval with twenty (20) conditions	Yes

# SITE and BUILDING REQUIREMENTS

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

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (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.)<sup>m</sup></i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)<sup>a</sup></i>	<i>Min. rear yard (ft.)<sup>a</sup></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.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets <sup>f</sup>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	<sup>a</sup>
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <sup>g</sup>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	<sup>a</sup>

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

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

**FOOTNOTES**

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

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

# BUFFER YARD REQUIREMENTS

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## Orange County Code Section 24-5.

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

### (a) **Buffer classifications:**

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

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



**CASE # RZ-20-05-035**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mr. Philip L Kruse
<b>OWNERS</b>	5512 Barton Dr., LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) to <b>R-1</b> (Single-Family Dwelling District)
<b>LOCATION</b>	5512 Barton Drive, or generally located west of Barton Drive, approximately 780 feet north of E. Colonial Drive.
<b>PARCEL ID NUMBER</b>	21-22-30-4312-04-030
<b>TRACT SIZE</b>	0.49-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-five (85) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Two (2) Single-Family Homes (lot split pending 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 0.49-gross acre property from R-1A (Single-Family Dwelling District) to R-1(Single-Family Dwelling District) with the intent to revert back to the originally platted lots of fifty (50) foot wide and allow construction of two (2) single-family detached units on each lot.

The subject property is located at the lakefront of Little Lake Barton and contains wetlands. The applicant has completed Conservation Area determination (CAD) survey

to identify the buildable acreage. The survey showed total land of 0.49 acres with the upland of 0.4 acres.

The Development Review Committee (DRC) has allowed approval of two (2) variances contingent on approval of this rezoning request. The applicant has committed to install advanced septic systems referred as Aerobic Treatment Units (ATUs). Wastewater provider is Orange County Utilities and it is not available in this area. The variances approved by DRC are as follows:

- 1) A variance from Orange County Code Section 37-538(3) to allow the installation of two On-Site Sewage Disposal Systems (OSDS) and drain fields on two approximately one-quarter (¼) acre (landward of Normal High Water Elevation (NHWE)) lake front lots in lieu of the required one OSDS and drain field on a one-half (½) acre lake front lot; and
- 2) A variance from Orange County Code Section 37-540(c) to allow the On-Site Sewage Disposal System (OSDS) and drain field to be located one hundred and forty two (142) feet from the Normal High Water Elevation (NHWE) of water bodies and canals connected to surface waters in lieu of the required one hundred and fifty (150) feet from the NHWE.

Currently, the subject property is vacant, it was previously developed with one (1) single-family detached unit that has been demolished in April 2020. The immediate neighborhood and the area surrounding the subject property can be characterized as a single-family detached neighborhood, with duplexes and multi-family developments situated to the north, and commercial development to the south along the E. Colonial Drive corridor. The subject property was platted within the Lake Barton Park subdivision on December 14, 1925, and comprised of two 50-foot wide platted lots.

Similar to this request, the property to the north, located at 5500 Barton Drive was rezoned in October 2016 from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District). Therefore, the current request is compatible with the area, and does not create a density issue as the Low Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation allows up to 10 units per acre in this area.

**Land Use Compatibility**

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

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	S.R. 436/S.R. 50 Corridor Overlay District

Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zones "C". New residential development in Airport Noise Zones requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions. In addition, sound level reduction (SLR) design standards are required which may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Medium Density Residential (LMDR). The proposed R-1(Single-Family Dwelling 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 Residence

**Adjacent Zoning**              N: R-1A (Single-Family Dwelling District)  
    E: R-1A (Single-Family Dwelling District)  
    W: R-1A (Single-Family Dwelling District)  
    S: R-3 (Multiple-Family Dwelling District)

**Adjacent Land Uses**        N: Single-Family Residence  
    E: Single-Family Residence  
    W: Single-Family Residence  
    S: Little Lake Barton

**R-1(Single-Family Dwelling District) Development Standards**

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

**Building Setbacks**  
 Front:                                20 ft.  
 Rear:                                 20 ft.  
 Side:                                 5 ft.

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below

Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes of transportation within the project area: State maintained sidewalks and bike path existing along E. Colonial Drive from Old Cheney HY to N. Forsyth Road. There is a State maintained sidewalk along N. Semoran Blvd from Hibiscus Road to Cornelia Avenue. LYNX Bus Link #436S Fern Park/Orlando International Airport; #29 E. Colonial Drive/Goldenrod; #28 E. Colonial Drive/Azalea Park; #104 E. Colonial Drive/UCF. There are (5) five bus stops and (2) two sheltered stops within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\* 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.

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.

An Orange County Conservation Area Determination CAD-20-05-085 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 6/8/20.

Per the discussion at the 8/12/20 DRC meeting, the applicant has committed to the use of ATU septic systems. EPD can support the variance requests due to the commitment to the ATU septic system. A variance from Orange County Code Section 37-538(3) to allow the installation of two On-Site Sewage Disposal Systems (OSDS) and drain fields on two approximately one-quarter (¼) acre (landward of Normal High Water Elevation (NHWE)) lake front lots in lieu of the required one OSDS and drain field on a one-half (½) acre lake front lot; and a variance from Orange County Code Section 37-540(c) to allow the On-Site Sewage Disposal System (OSDS) and drain field to be located one hundred and forty two (142) feet from the Normal High Water Elevation (NHWE) of water bodies and canals connected to surface waters in lieu of the required one hundred and fifty (150) feet from the NHWE.

The applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment.

Ensure any plan sheets submitted for this project label and indicate the normal high water elevation (NHWE) contour of the lake. (Little Lake Barton = 90.56 ft NAVD) The determined landward edge or boundary of any natural surface water body shall apply to establishing construction setback lines under the county zoning resolution, septic tank setback lines under the county growth management policy, and jurisdictional boundaries for regulated activities under Florida law.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	Not Currently Available
Reclaim Water:	Orange County Utilities	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 – (September 17, 2020)

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

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

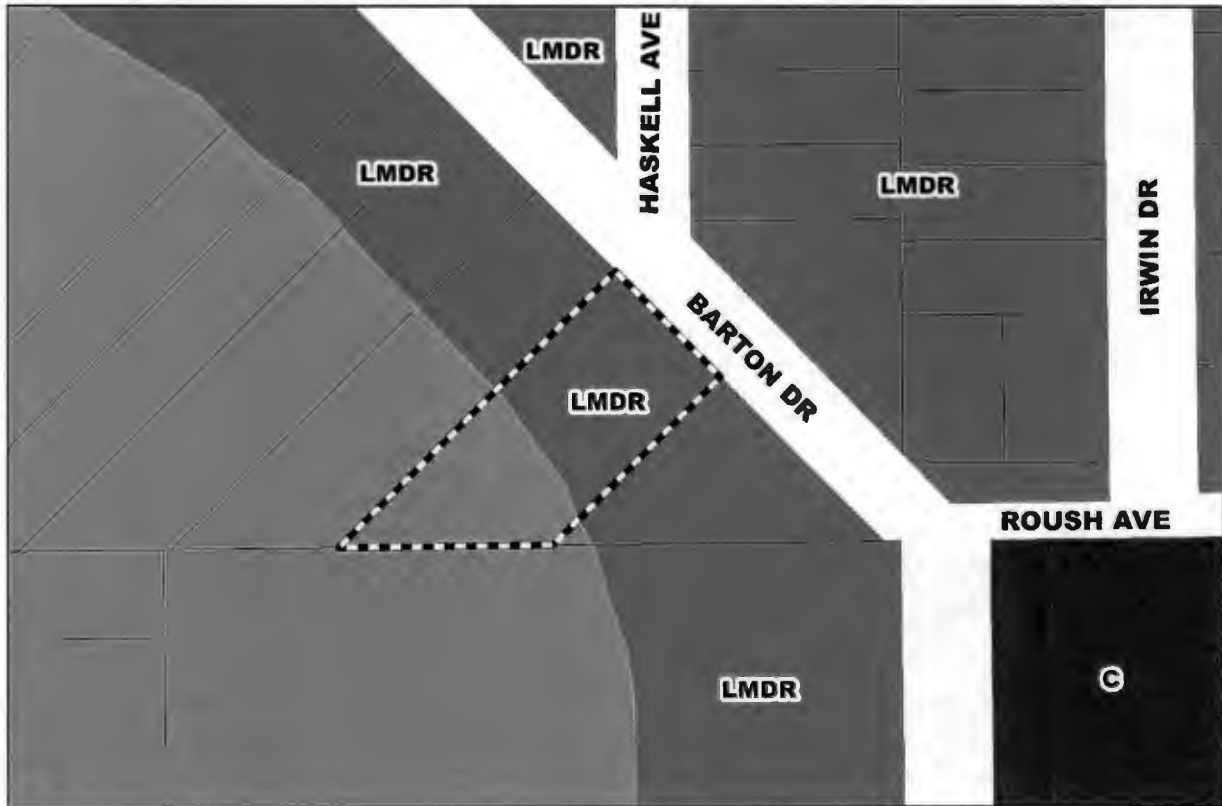
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) Zoning. The applicant was present and agreed with the staff recommendation and followed with a presentation for his project. It was noted that the applicant has committed to install advanced septic systems referred as Aerobic Treatment Units (ATUs).

Staff indicated that eighty-five (85) notices were sent to property owners within 500 feet surrounding the subject property, and that staff had received one (1) response in opposition to the request and one (1) in favor. The opposition stated concerns related to increase in property taxes, gentrification of affordable housing, and water quality in Little Lake Barton. No members of the public were present to speak on this matter.

After a brief discussion and concerns about septic tanks a motion was made by Commissioner Spears and seconded by Commissioner Nazario to recommend APPROVAL of the requested R-1 zoning. The motion carried on a 7-0 vote.

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

RZ-20-05-035



 Subject Property



★ Subject Property

**Future Land Use Map**

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Philip L Kruse

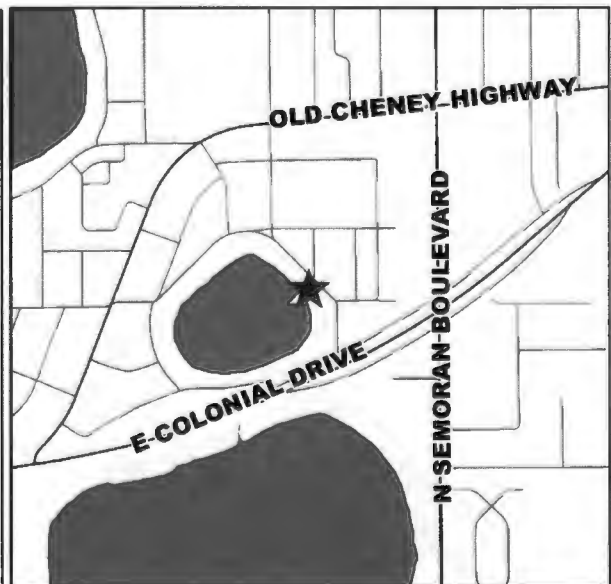
LOCATION: 5512 Barton Drive, or generally located west of Barton Drive, approximately 780 feet north of E Colonial Drive.

TRACT SIZE: 0.49-gross acre

DISTRICT: #5

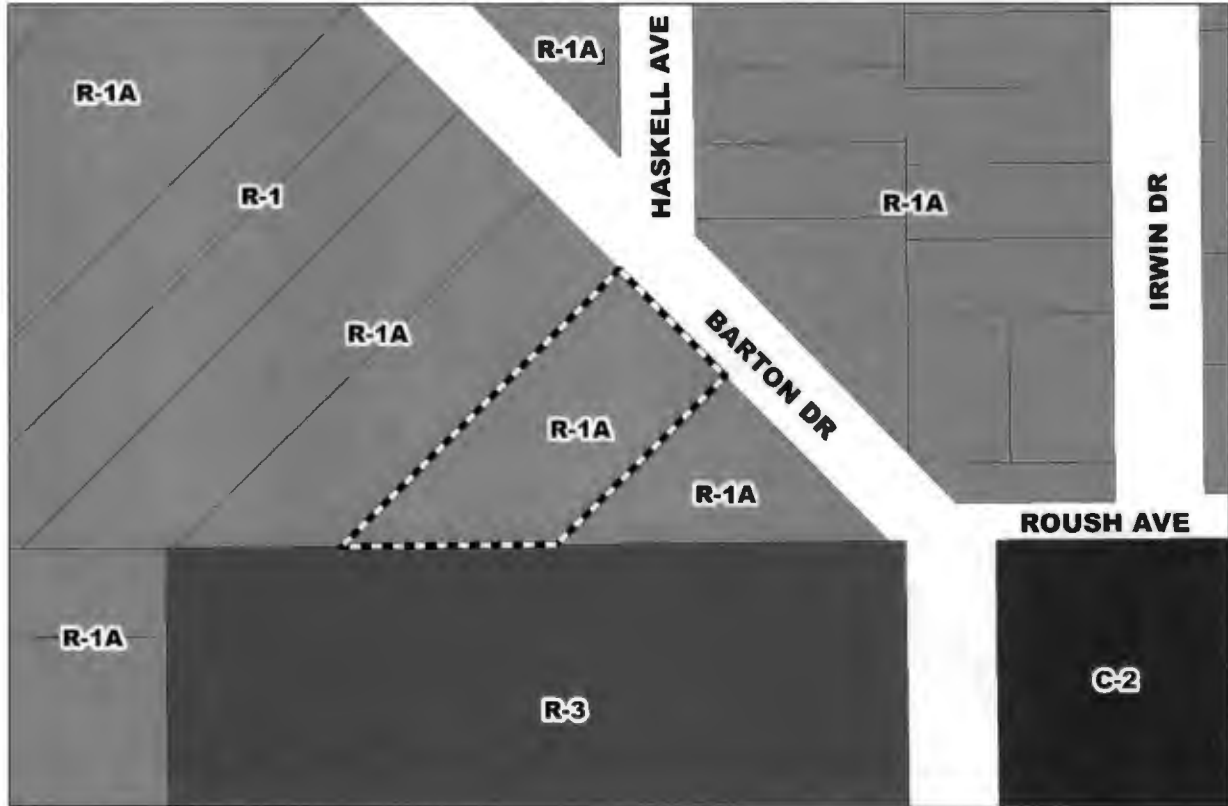
S/T/R: 21/22/30

1 inch = 105 feet





RZ-20-05-035



 Subject Property



★ Subject Property

**Zoning Map**

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

**APPLICANT:** Philip L Kruse

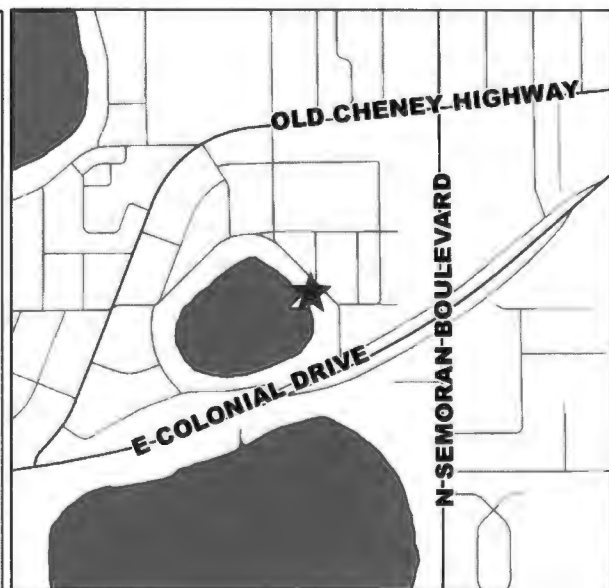
**LOCATION:** 5512 Barton Drive, or generally located west of Barton Drive, approximately 780 feet north of E Colonial Drive.

**TRACT SIZE:** 0.49-gross acre

**DISTRICT:** #5

**S/T/R:** 21/22/30

1 inch = 105 feet



RZ-20-05-035



 Subject Property



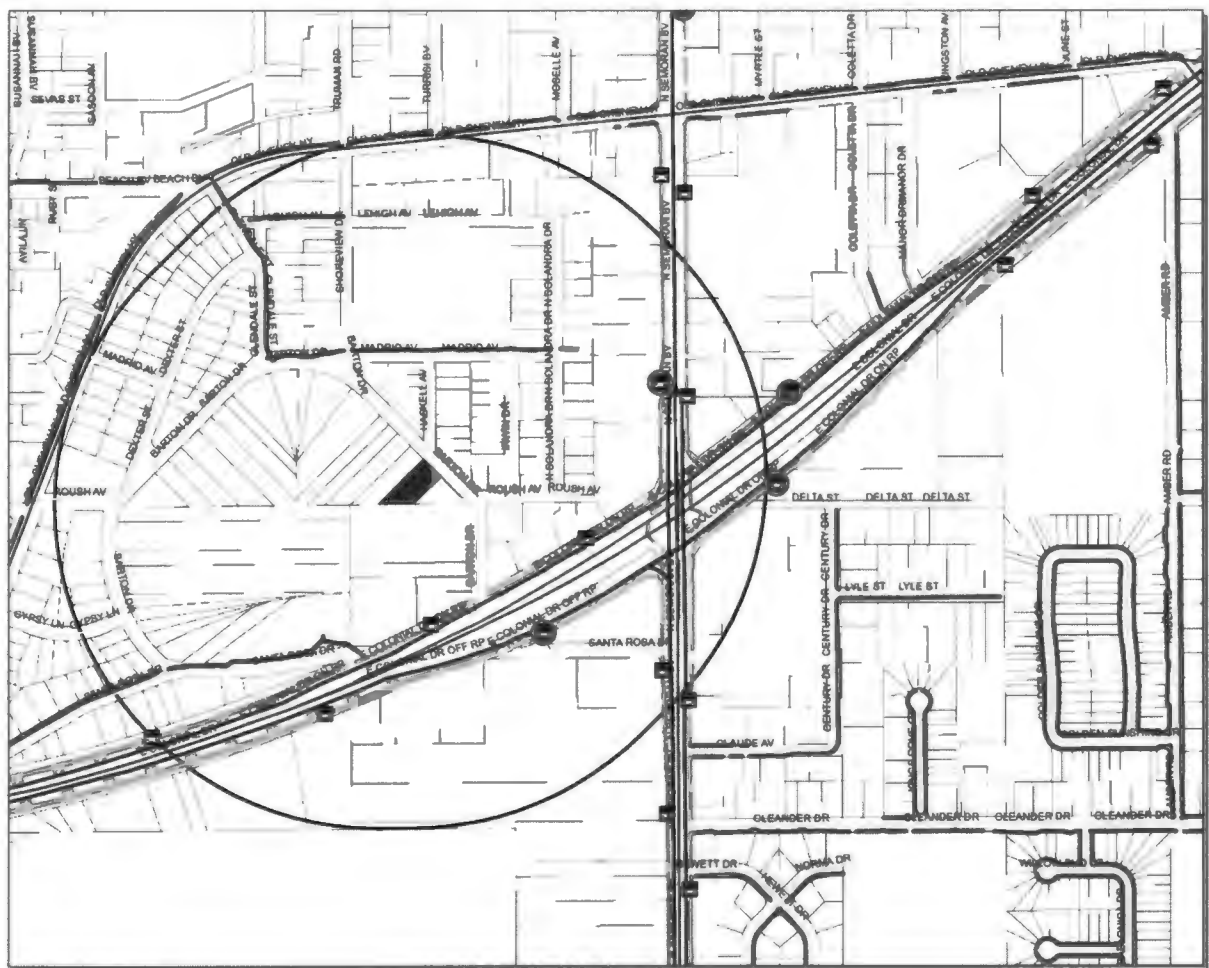
1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-20-05-035  
 21-22-30-4312-04-030  
 5512 BARTON DRIVE

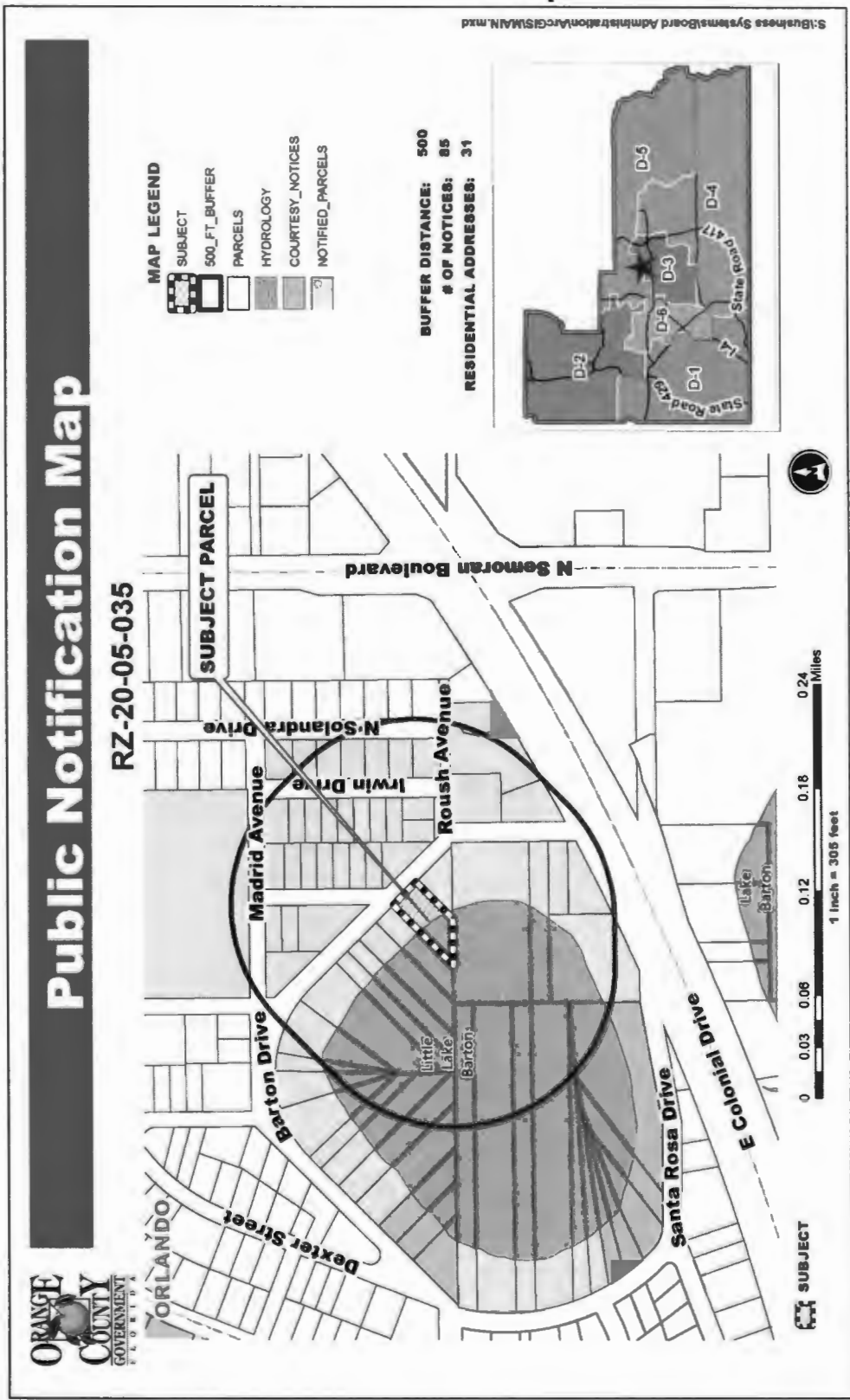
**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA\_PARCELS\_Buffer557
- Parcels
- Horizon West Boundary
- County Boundary
- Parcels



Document Path U:\GIS\2016.mxd

# Notification Map



**CASE # RZ-20-09-057**

Commission District: #6

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mr. Dave Schmitt, Dave Schmitt Engineering, Inc.
<b>OWNERS</b>	J and J Davis, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-3</b> (Wholesale Commercial District) to <b>NC</b> (Neighborhood Center)
<b>LOCATION</b>	2580 S. Orange Blossom Trail, or generally located on the west side of S. Orange Blossom Trail, approximately 365 feet north of W. Michigan Street
<b>PARCEL ID NUMBER</b>	03-23-29-0180-47-140
<b>TRACT SIZE</b>	1.72 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-eight (148) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Storage Facility and Plastics Manufacturing

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NC (Neighborhood Center) zoning.**

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The applicant is seeking to rezone the subject property from C-3 (Wholesale Commercial District) to NC (Neighborhood Center) in order to construct a 3,000 sq. ft. addition to the existing Plastic Manufacturing Facility for storage.

The property is currently developed with a 15,016 sq. ft. warehouse, which manufactures plastics. This is not a permitted use under the current C-3 (Wholesale Commercial

District). The proposed expansion of the new structure associated with the existing non-conforming use is not permitted per Orange County Conde 38-50 and FLU8.2.5.1. The property has a NC (Neighborhood Center) Future Land Use designation, and a rezoning to the corresponding NC (Neighborhood Center) zoning district which permits plastic manufacturing is required, subject to Section 38-79 (76) of the Orange County Code.

This parcel is located in the Holden Heights Overlay District. Through this rezoning the Future Land Use designation and Zoning would become consistent.

The NC designation on the subject property and surrounding properties is the result of a 1999 special area study and subsequent Comprehensive Plan amendment, which adopted and assigned new area specific FLUM designations to properties within the Holden Heights community. The Holden Heights zoning overlay ordinance established the Holden Heights Overlay District, created consistent zoning districts, and provided specific zoning standards to implement the three Holden Heights specific FLUM designations. Prior to development, properties with the Neighborhood Center, Neighborhood Activity Corridor, or Neighborhood Residential FLUM designations are required to rezone to the corresponding zoning district, with certain exceptions for properties developed prior to the adoption of the overlay.

**Land Use Compatibility**

The NC (Neighborhood Center), 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 checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within the Holden Heights Overlay District
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 Neighborhood Center (NC). The proposed NC zoning is consistent with the Neighborhood Center 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.

**FLU1.1.4 C** states at this time, the Future Land Use designations below apply only to properties within Holden Heights. A Special Area Study was undertaken to create the eligible properties within Holden Heights. In addition, specific code provisions for Holden Heights are found in Chapter 38-1725 of the Orange County Code (OCC).

Neighborhood Center (NC)	NC is a mixture of neighborhood-serving land uses including retail, restaurants, office, and civic uses designed at a pedestrian-friendly scale. Residential units also may be considered.	Up to 40 DU/AC Up to 2.0 FAR non-residential
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**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**

<b>Existing Use</b>	Plastic Manufacturing
<b>Adjacent Zoning</b>	N: C-3 (Wholesale Commercial District) (1957) NC (Neighborhood Center) (2012) E: C-2 (General Commercial District) (1957) W: C-3 (Wholesale Commercial District) (1957)

S: C-3 (Wholesale Commercial District) (1957)

**Adjacent Land Uses**    N: Commercial Use  
                                   E: Commercial Use  
                                   W: Commercial Use  
                                   S: Commercial Use

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

**NC (Neighborhood Center) Development Standards**

Min. Lot Area:            4,500 sq. ft.  
 Min. Lot Width:        45 ft.  
 Max. Height:            35 ft. / 3-stories  
 Min. Living Area:      1,000 sq. ft.

**Building Setbacks**

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

**Intent, Purpose, and Uses**

The NC neighborhood district is intended to provide a neighborhood-serving, mixed-use, and pedestrian-scale environment where residents of urban communities in need of redevelopment can comfortably shop for their daily needs. A mixture of retail shops, restaurants, offices, civic uses, and residential units will characterize the NC district, complemented by an active and pleasant streetscape, tree-shaded sidewalks, and other pedestrian amenities. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.1 of the Orange County 2010-2030 Comprehensive Policy Plan. These NC neighborhood district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

**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</p>



			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.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within an Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: There are existing County maintained sidewalks along 26th Street from Rio Lane and Lee Street. There are existing State maintained sidewalks along S. Orange Blossom Trail from 30th Street to Grand Street. LYNX bus link #40 Americana Blvd./Universal Orlando; #36 Lake Richmond; #304 LYNX 3D: Rio Grande/Vistana Resort. There are eighteen (18) bus stops within the project area. A mobility analysis may be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water: Orlando Utilities Commission

Waste Water: Orange County Utilities 8-inch gravity main and 12-inch forcemain within 26th right-of-way

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 – (September 17, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NC (Neighborhood Center) 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 NC (Neighborhood Center) zoning. A representative on behalf of the applicant was present and agreed with the staff recommendation. The representative also presented the Commission with an overview of the development plan.

Staff indicated that one hundred forty-eight (148) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received one (1) commentary in favor of the project, and one (1) in opposition. During public comments, no member of the public was present to speak.

After a brief discussion, a motion was made by Commissioner Wade and seconded by Commissioner Abdallah to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NC (Neighborhood Center) zoning. The motion was carried on an 8-0 vote.

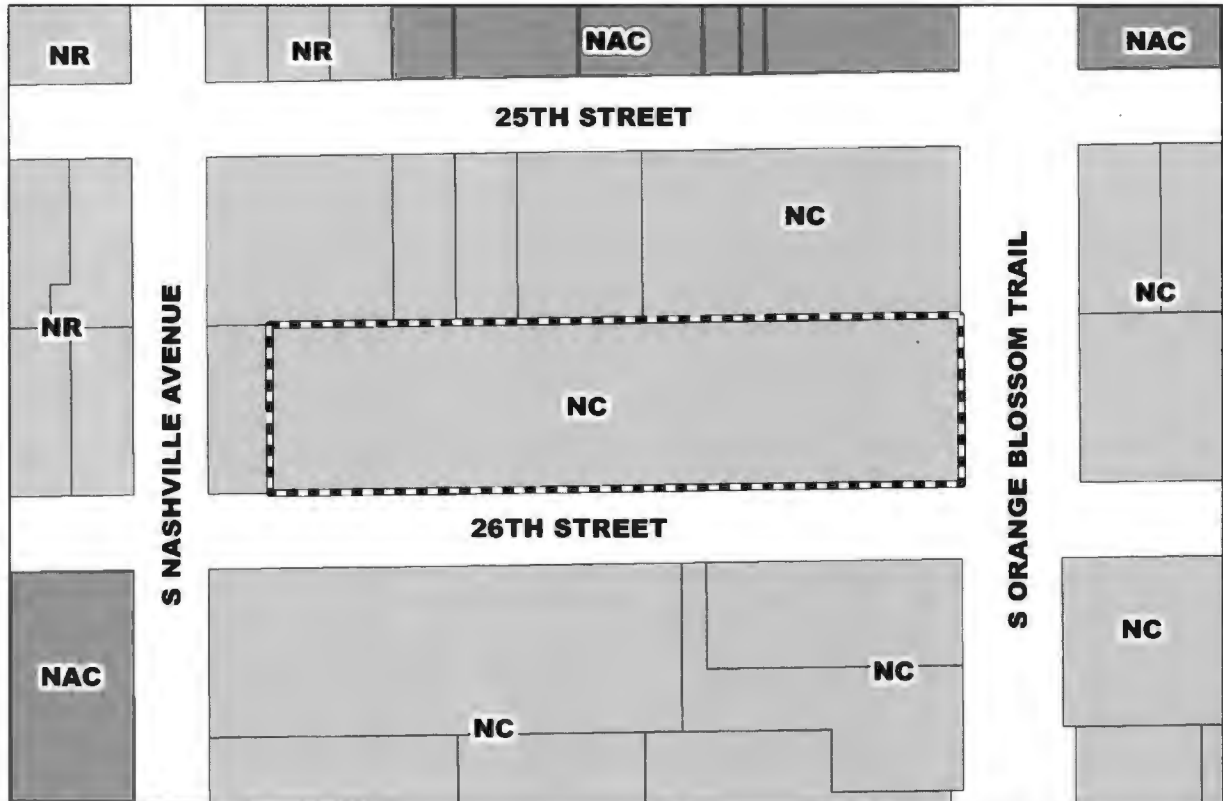
**Motion / Second** *JaJa Wade / Mohammed Abdallah*

**Voting in Favor** *JaJa Wade, Mohammed Abdallah, Diane Velazquez, Gordon Spears, Jimmy Dunn, Evelyn Cardenas, Carlos Nazario, and Eddie Fernandez*

**Voting in Opposition** *None*

**Absent** *Nelson Pena*

RZ-20-09-057



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** NC (Neighborhood Center)

**APPLICANT:** Dave Schmitt,  
Dave Schmitt Engineering, Inc.

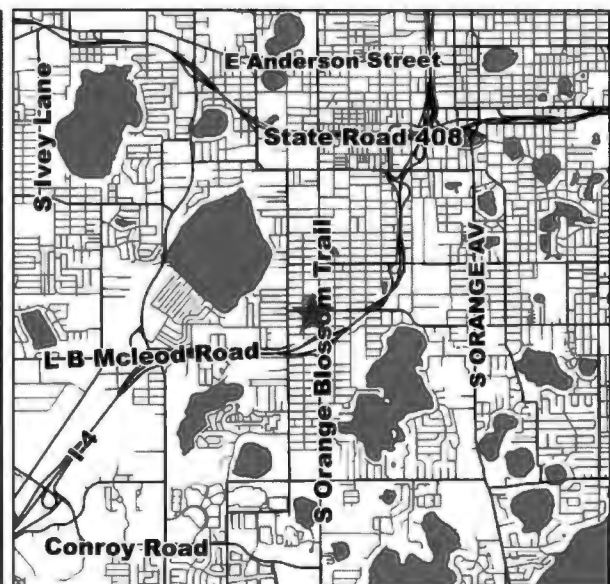
**LOCATION:** 2580 S. Orange Blossom Trail, or  
generally located on the west side of  
S. Orange Blossom Trail, approximately  
365 feet north of W. Michigan Street.

**TRACT SIZE:** 1.72 gross acres

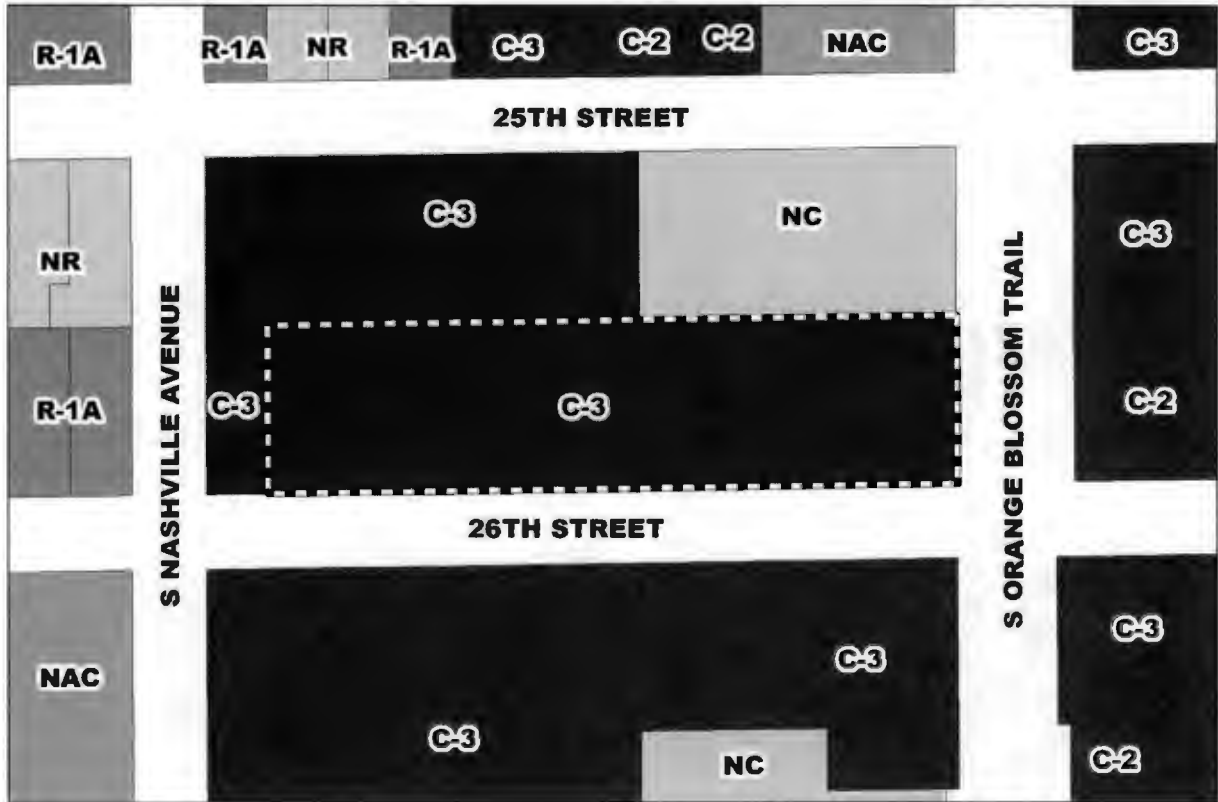
**DISTRICT:** # 6

**S/T/R:** 03/23/29

1 inch = 125 feet



RZ-20-09-057



Subject Property



Subject Property

**Zoning Map**

**ZONING:** C-3 (Wholesale Commercial District) to NC (Neighborhood Activity Center)

**APPLICANT:** Dave Schmitt,  
Dave Schmitt Engineering, Inc.

**LOCATION:** 2580 S. Orange Blossom Trail, or generally located on the west side of S. Orange Blossom Trail, approximately 365 feet north of W. Michigan Street.

**TRACT SIZE:** 1.72 gross acres

**DISTRICT:** # 6

**S/T/R:** 03/23/29

1 inch = 125 feet



RZ-20-09-057

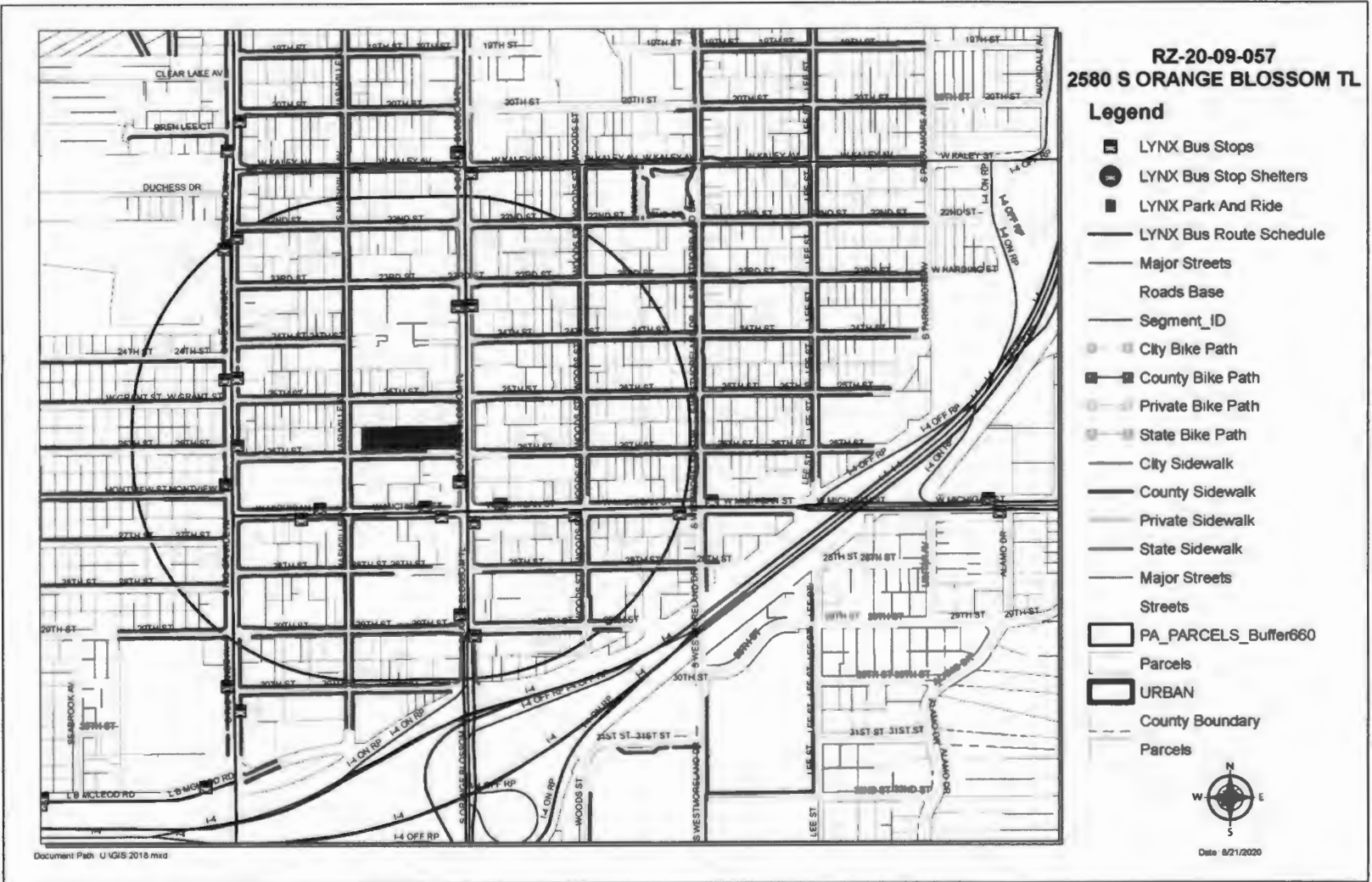


 Subject Property

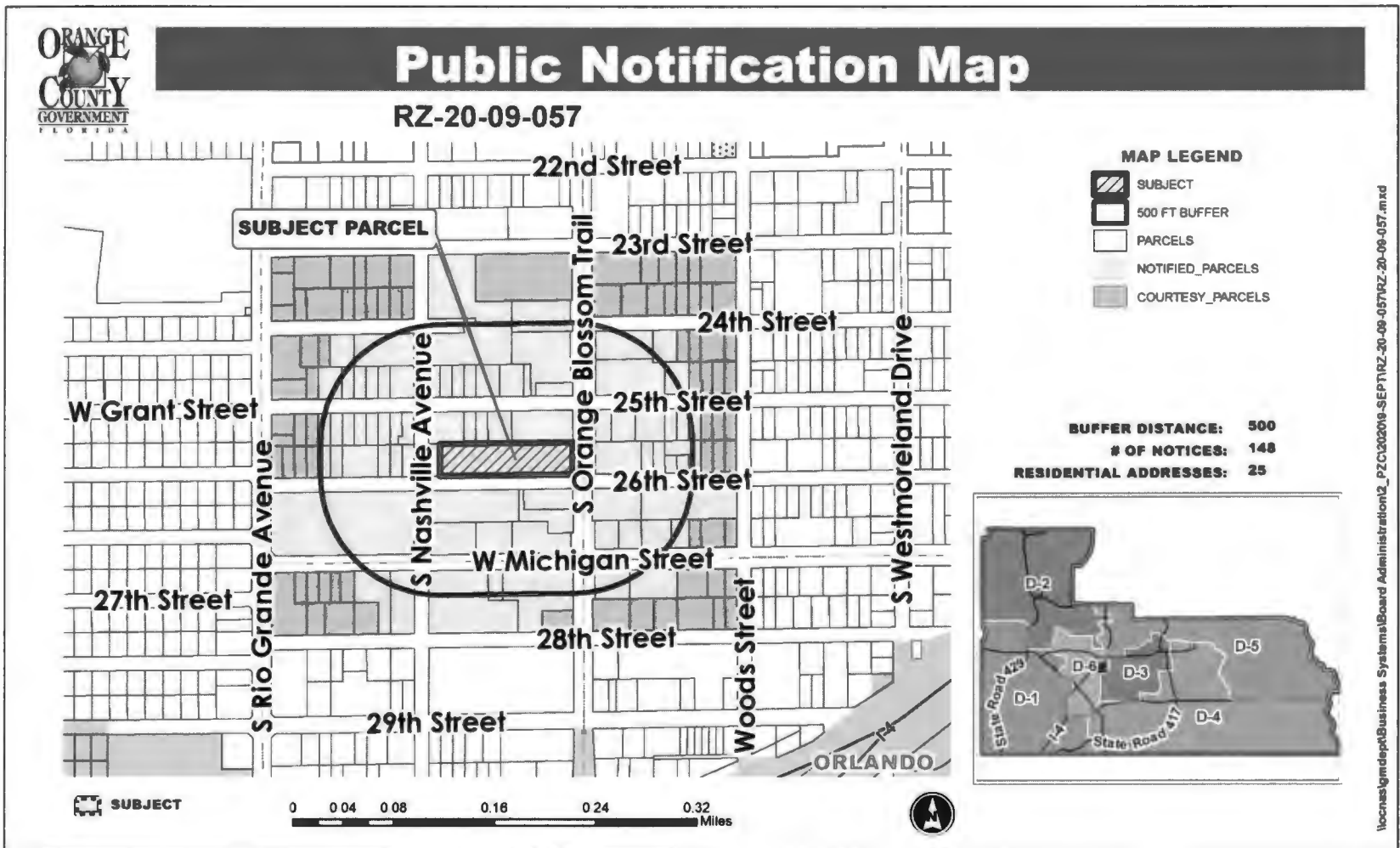


1 inch = 125 feet

**Alternative Mobility Area Context Map**



Notification Map



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**CASE # RZ-20-09-058**

Commission District: #5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Cyril M. Cruzada
<b>OWNERS</b>	Cristan Properties Inc.
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>P-O</b> (Professional Office District) to <b>R-2</b> (Residential District)
<b>LOCATION</b>	4987, 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 570 feet east of Old Cheney Highway
<b>PARCEL ID NUMBER</b>	21-22-30-4736-03-150, and 21-22-30-4736-03-140
<b>TRACT SIZE</b>	5.87 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-two (122) notices were mailed to those property owners in the mailing area. A virtual community meeting for this application was held on September 8, 2020 with zero (0) members of the public in attendance.
<b>PROPOSED USE</b>	To construct a duplex on 0.27 acre and a triplex on 0.32 acre for a total of five (5) attached single-family dwelling units.

**STAFF RECOMMENDATION**

**PLANNING**

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

**SUBJECT PROPERTY ANALYSIS**

**Overview**

The applicant is seeking to rezone from P-O (Professional Office District) to R-2 (Residential District) in order to construct a duplex on 0.27 acre and a triplex on 0.32



acre for a total of five (5) dwelling units. Parcel 21-22-30-4736-03-140 is 0.27 gross acre and is intended for a duplex. Parcel 21-22-30-4736-03-150 is 0.32 gross acre and is intended for a triplex. Combined, the two (2) parcels are 5.87 gross acres.

The current zoning of P-O (Professional Office District) and the Future Land Use Map (FLUM) designation of Low-Medium Density Residential is inconsistent, therefore the property is considered to be undevelopable until such time that the FLUM designation changes to Office (O) or the Zoning district changes to residential.

Through this request, the proposed R-2 (Residential District) zoning district would allow for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building for residential uses. The R-2 building requirements allow for lot sizes that are 85' feet in width and 15,000 square feet in size.

Central wastewater will be provided by the City of Orlando, however, this development will be reliant on septic. Compliance with Orange County Code Chapter 37, Article XVII – “Individual On-Site-Sewage Disposal” will also be required.

The immediate area can be characterized as developed with varying levels of single-family residential developments that are attached and detached. There are multiple duplex developments within the immediate area.

**Land Use Compatibility**

The R-2 (Residential District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	S.R.436 / S.R. 50 Corridor Overlay District
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zones “B” and “C”. New residential development in Airport Noise Zones requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions. In addition, sound level reduction (SLR) design standards are required which may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles.

Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

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

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

**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.

**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.

**FLU8.2.11** 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.

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**SITE DATA**

<b>Existing Use</b>	Undeveloped
<b>Adjacent Zoning</b>	N: R-2 (Residential District) (1971) E: R-2 (Residential District) (1971) W: R-2 (Residential District) (1971) S: C-2 (General Commercial District) (1965)
<b>Adjacent Land Uses</b>	N: Single-Family Residence E: Single-Family Residence W: Duplex S: Shopping Plaza

**R-2 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.

Side: 10 ft.  
 Side Street: 15 ft.

Four or More Dwelling Units

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

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

**Intent, Purpose, and Uses**

The 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"/>	See Note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative mobility options within the project area: There are existing County maintained sidewalks along Santa Rosa Drive from Old Cheney Highway to Barton Drive. There is an existing State maintained sidewalk and bike paths along E. Colonial Drive from Old Cheney Highway to N. Semoran Blvd. LYNX bus link #28 - E. Colonial Drive Alazea Park; #29 - E. Colonial Drive Goldenrod #104 E. Colonial Drive UCF. There are Five (5) bus stops, three (3) of them are sheltered stops. A mobility analysis may be required for this project.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Deminimus impact to OCPS. No capacity determination is required.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

- \* Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

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.

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.

**Community Meeting Summary**

A virtual community meeting was held on September 8, 2020 with zero (0) members of the public in attendance.

**Utilities**

Water:	Orlando Utilities Commission
Wastewater:	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 – (September 17, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL 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 consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The applicant was present and agreed with staff recommendation.

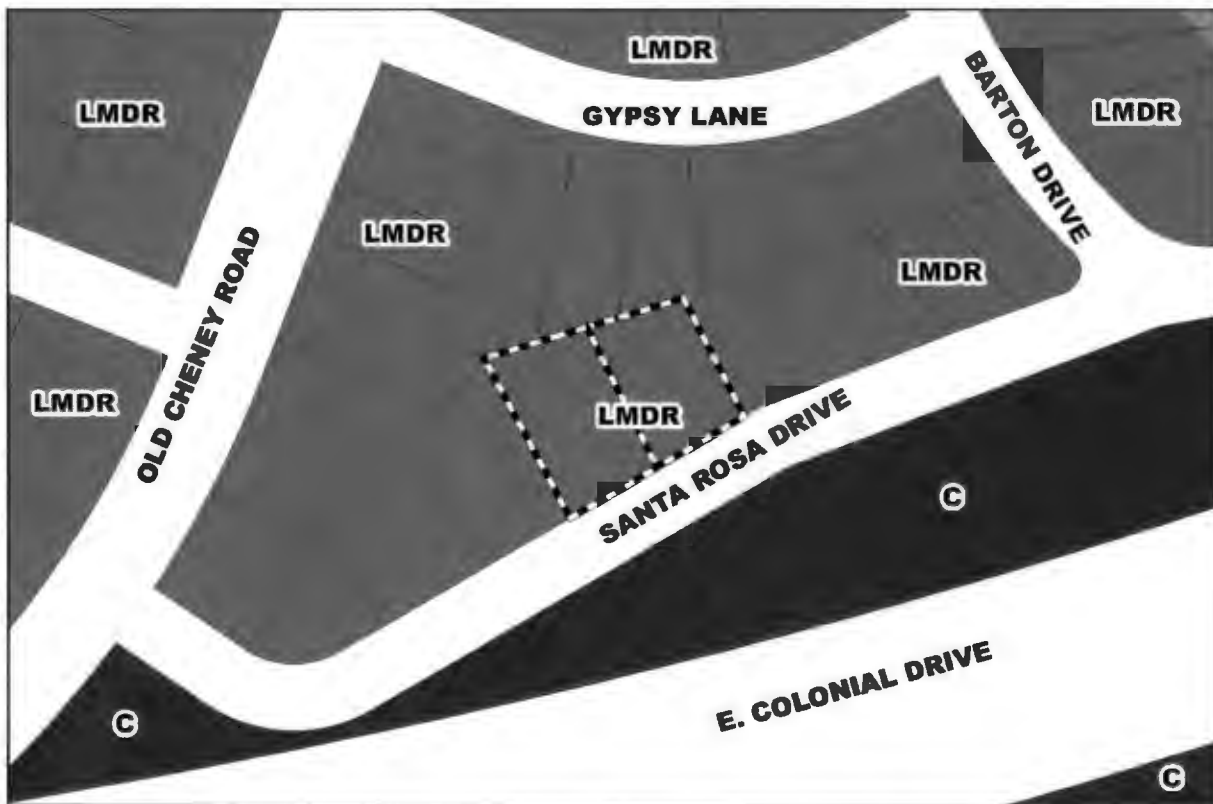
Staff indicated that one hundred twenty-two (122) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received zero (0) commentaries in favor of the request, and zero (0) in opposition. During public comments, no members of the public were present to speak.

A motion was made by Chairman Spears to make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-2 (Residential District) zoning. That motion failed without a second.

A motion was made by Commissioner Dunn and seconded by Commissioner Fernandez to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The motion was carried on a 7-1 vote, with Chairman Spears voting in the negative.

<b>Motion / Second</b>	<i>Jimmy Dunn / Eddie Fernandez</i>
<b>Voting in Favor</b>	<i>Jimmy Dunn, Eddie Fernandez, Diane Velazquez, Evelyn Cardenas, Mohammed Abdallah, Carlos Nazario, and JaJa Wade</i>
<b>Voting in Opposition</b>	<i>Gordon Spears</i>
<b>Absent</b>	<i>Nelson Pena</i>

RZ-20-09-058



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Low Medium Density Residential (LMDR)

**APPLICANT:** Cyril Cruzada

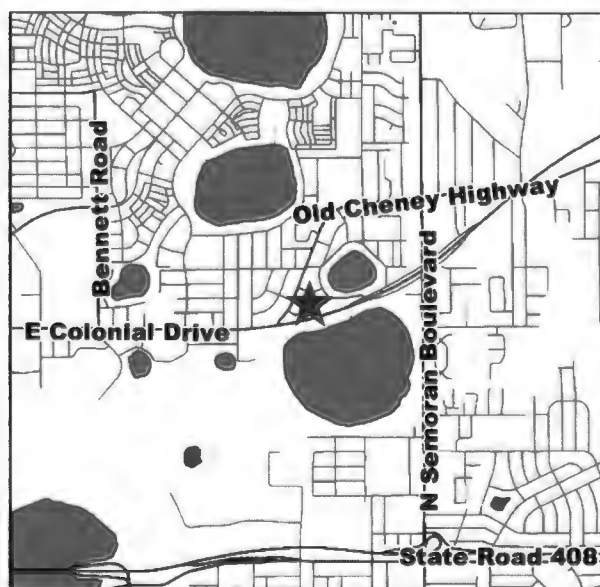
**LOCATION:** 4987, 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 230 feet north of E. Colonial Drive.

**TRACT SIZE:** 0.267 - gross acre  
 0.32 - gross acre

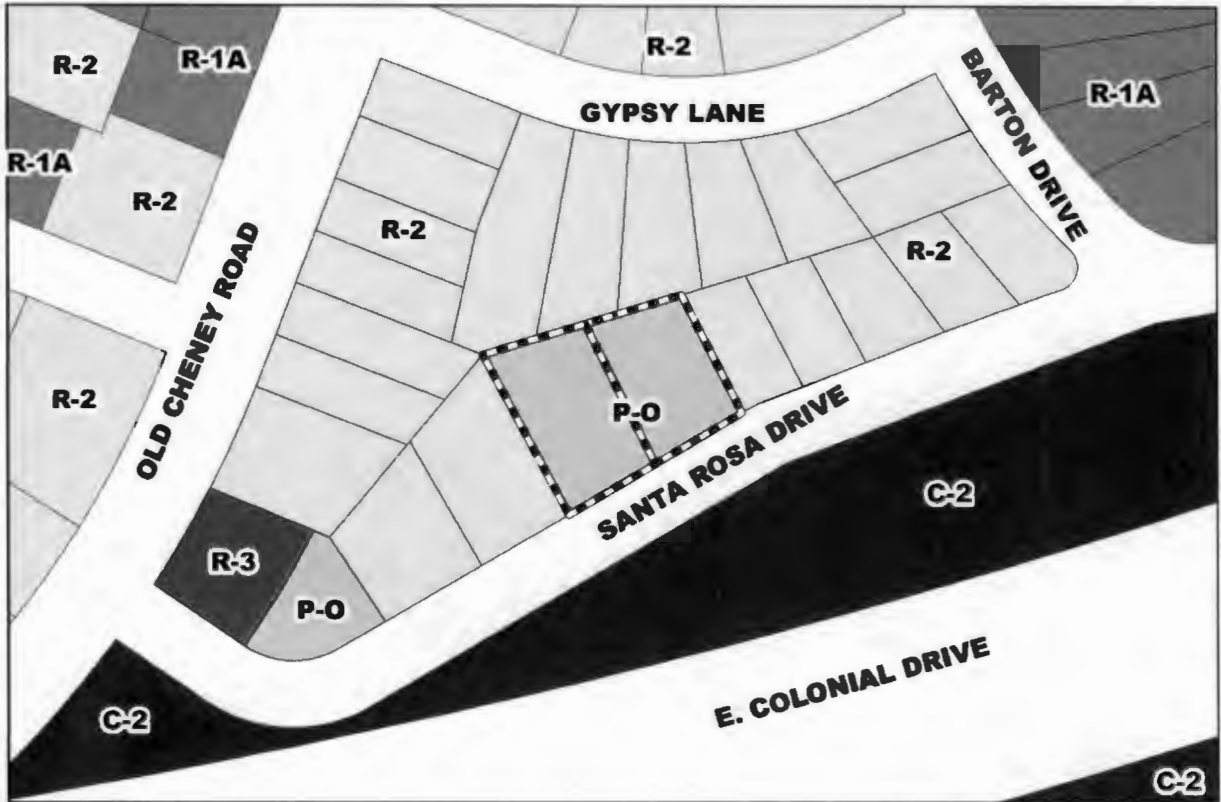
**DISTRICT:** # 5

**S/T/R:** 21/22/30

1 inch = 140 feet



RZ-20-09-058



Subject Property



Subject Property

**Zoning Map**

**ZONING:** P-O (Professional Office) to R-2 (Residential District)

**APPLICANT:** Cyril Cruzada

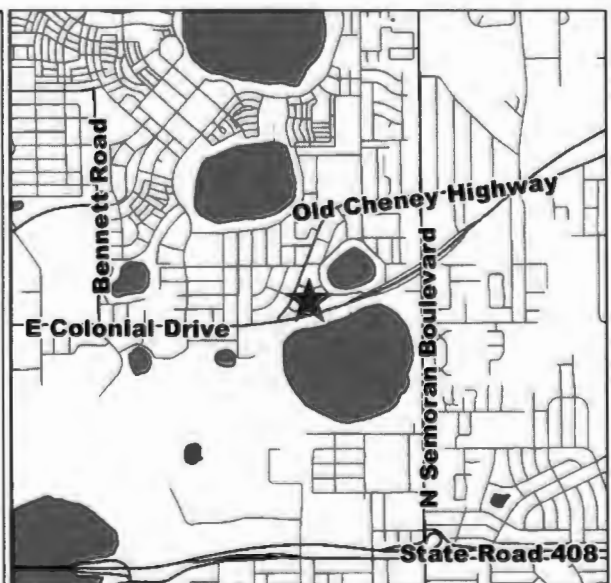
**LOCATION:** 4987, 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 230 feet north of E. Colonial Drive.

**TRACT SIZE:** 0.267 - gross acre  
 0.32 - gross acre

**DISTRICT:** # 5

**S/T/R:** 21/22/30

1 inch = 140 feet





RZ-20-09-058

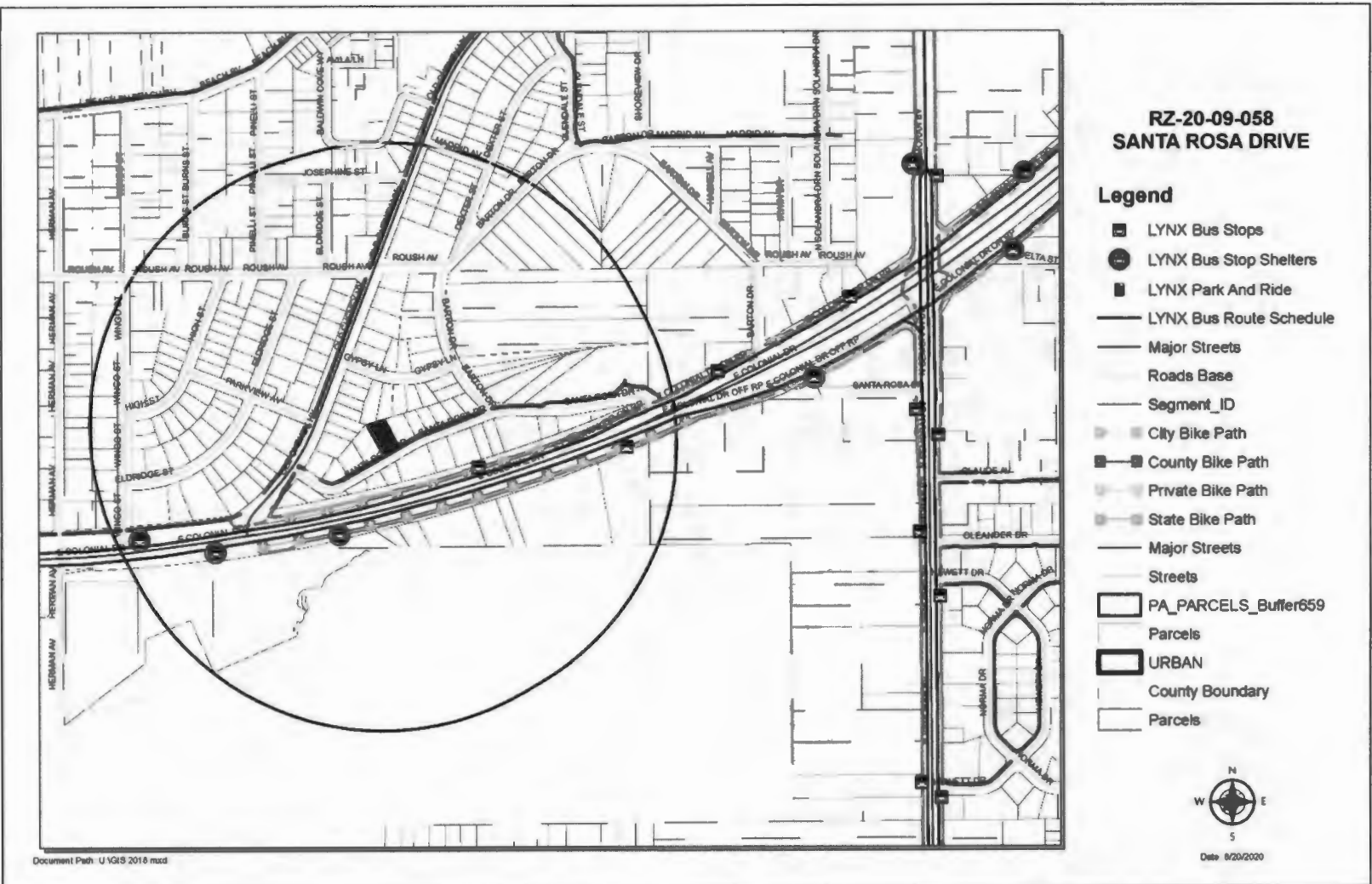


 Subject Property

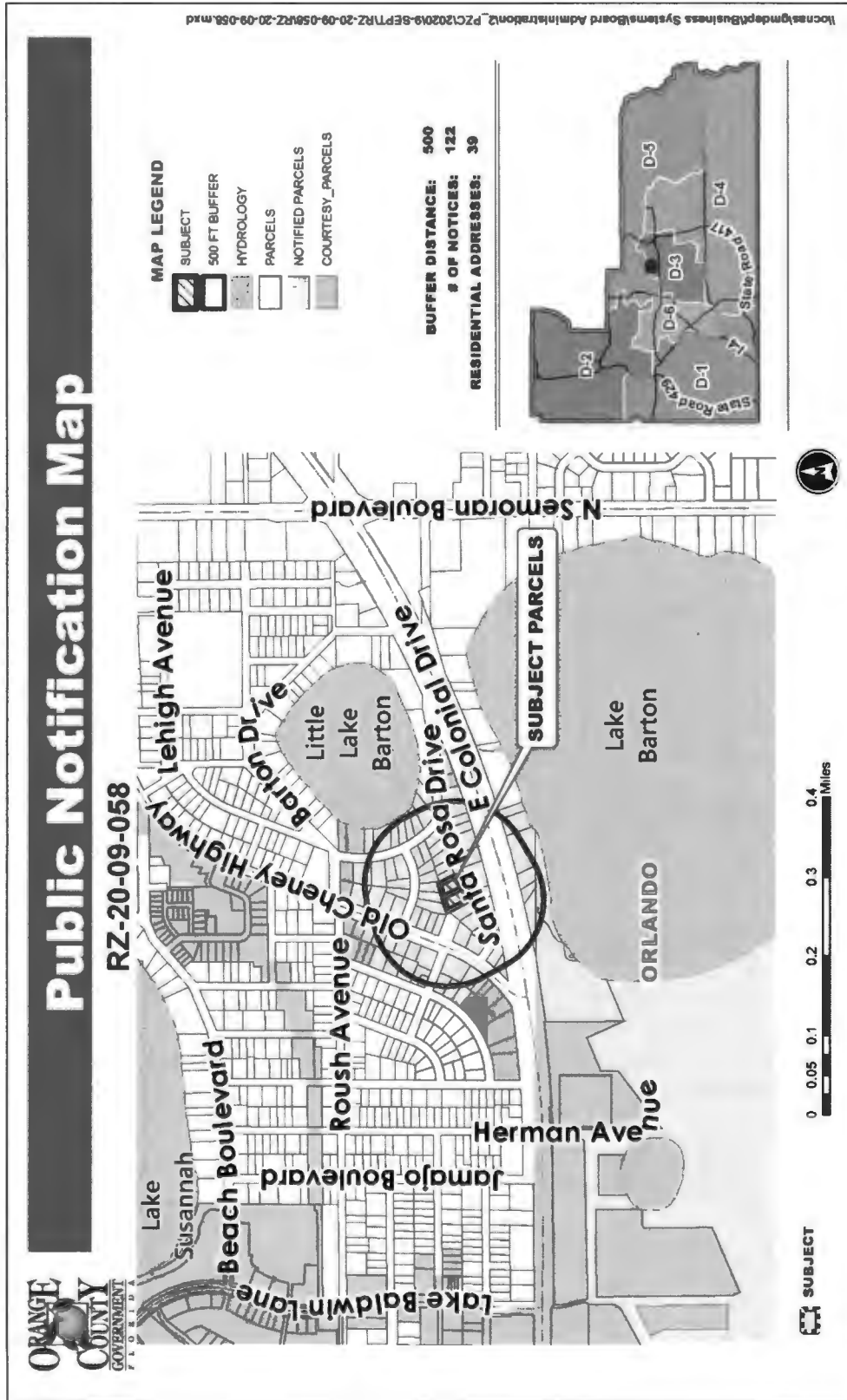


1 inch = 125 feet

**Alternative Mobility Area Context Map**



# Notification Map



**CASE # RZ-20-09-060**  
Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Francisco Manso
<b>OWNERS</b>	SM7 Solutions, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-3 (Wholesale Commercial District) to R-1 (Single-Family Dwelling District)</b>
<b>LOCATION</b>	7120 Bledsoe Avenue, generally west of Bledsoe Avenue and approximately 160 feet southwest of Edgewater Drive.
<b>PARCEL ID NUMBER</b>	32-21-29-1240-03-240
<b>TRACT SIZE</b>	0.14-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred four (104) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	To renovate the existing house and conform with the Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

**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 0.14-gross acre property from C-3 (Wholesale Commercial District) to R-1 (Single-Family Dwelling District) with the intent to renovate the existing house and conform with the Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

The subject property is currently developed with a detached single-family house. The immediate area surrounding the subject property consists of single-family residential use to the south, institutional to the west and commercial uses to the east and north along Edgewater Drive. The subject property was platted within the Central Park subdivision as a residential 50-foot wide lot on September 22, 1925. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units on 50-foot wide lots or larger.

The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR) and this request would bring the zoning in conformance.

**Land Use Compatibility**

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

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Remodeling home without the necessary permits.

**Comprehensive Plan (CP) Consistency**

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

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

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

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

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

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

**SITE DATA**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: C-3 (Whole Sale Commercial District) R-1 (Single-Family Dwelling District) E: C-3 (Whole Sale Commercial District) W: R-1 (Single-Family Dwelling District) S: C-3 (Whole Sale Commercial District) R-1 (Single-Family Dwelling District)
<b>Adjacent Land Uses</b>	N: Auto Repair Warehouse E: Pest Control Warehouse W: Vacant Residential Public County School S: Single-Family Residential

**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.

<b>Building Setbacks</b>	
Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below
Transportation / Access	<input type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative transportation within the project area: Existing County maintained sidewalks are located on Edgewater Drive from Rose Avenue to Edgewater Commerce Parkway; Rose Avenue from Clarcona Ocoee Road to W. Maitland Boulevard. LYNX bus link #106 - N. U.S. 441/Apopka. There is currently (1) one bus stop within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\*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.

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 Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply.

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. This site is located within the Wekiva Springs Priority Focus Area additional regulations may apply.

**Community Meeting Summary**

A community meeting was not required for this request.

**Utilities**

Water:	Orange County Utilities	Not Currently Available
Wastewater:	Orange County Utilities	Not Currently Available
Reclaim Water:	Orange County Utilities	Not Currently Available

**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (September 17, 2020)**

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

**PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

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

Staff indicated that one hundred four (104) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, and that staff had received zero (0) commentaries in favor or in opposition to the request. No members of the public were present to speak on this request.



After a brief discussion, a motion was made by Commissioner Velazquez, and seconded by Commissioner Nazario to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 7-0 vote.

**Motion / Second**

*Diane Velazquez / Carlos Nazario*

**Voting in Favor**

*Diane Velazquez, Carlos Nazario, Jimmy Dunn,  
Mohammed Abdallah, Evelyn Cardenas, Gordon Spears,  
and Eddie Fernandez*

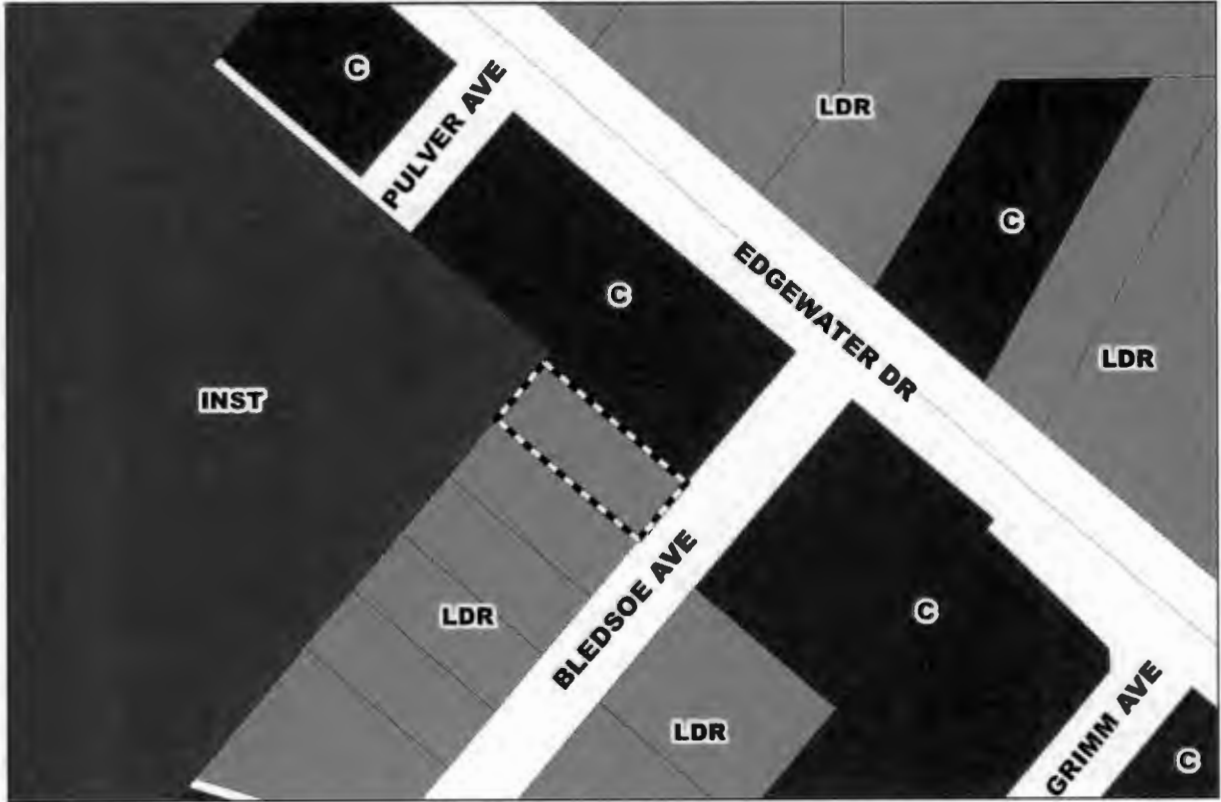
**Voting in Opposition**

*None*

**Absent**

*Nelson Pena and JaJa Wade*

RZ-20-09-060



 Subject Property

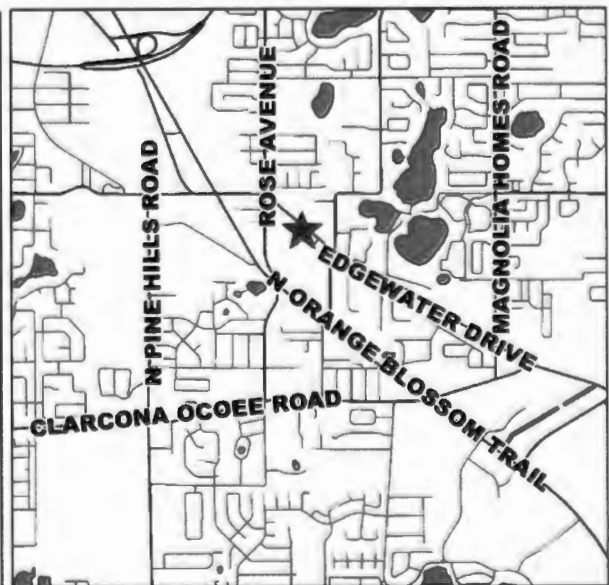


★ Subject Property

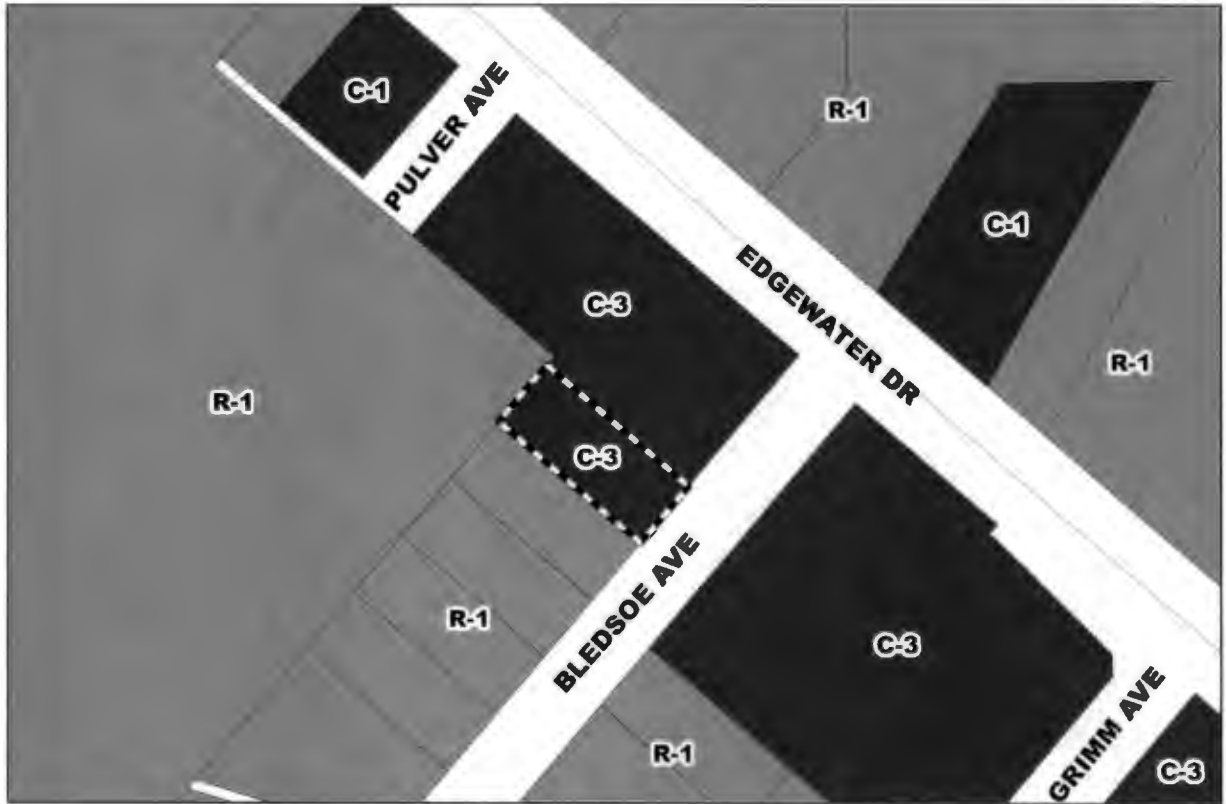
### Future Land Use Map

**FLUM:** Low Density Residential (LDR)  
**APPLICANT:** Francisco Manso  
 SM7 Solutions LLC  
**LOCATION:** 7120 Bledsoe Avenue; generally north of  
 Bledsoe Avenue and approximately 160 feet  
 southwest of Edgewater Drive.  
**TRACT SIZE:** 0.14-gross acre  
**DISTRICT:** #2  
**S/T/R:** 32/21/29

1 inch = 105 feet



RZ-20-09-060



Subject Property



Subject Property

**Zoning Map**

**ZONING:** C-3 (Whole Sale Commercial District) to R-1 (Single-Family Dwelling District)

**APPLICANT:** Francisco Manso  
SM7 Solutions LLC

**LOCATION:** 7120 Bledsoe Avenue; generally north of Bledsoe Avenue and approximately 160 feet southwest of Edgewater Drive.

**TRACT SIZE:** 0.14-gross acre

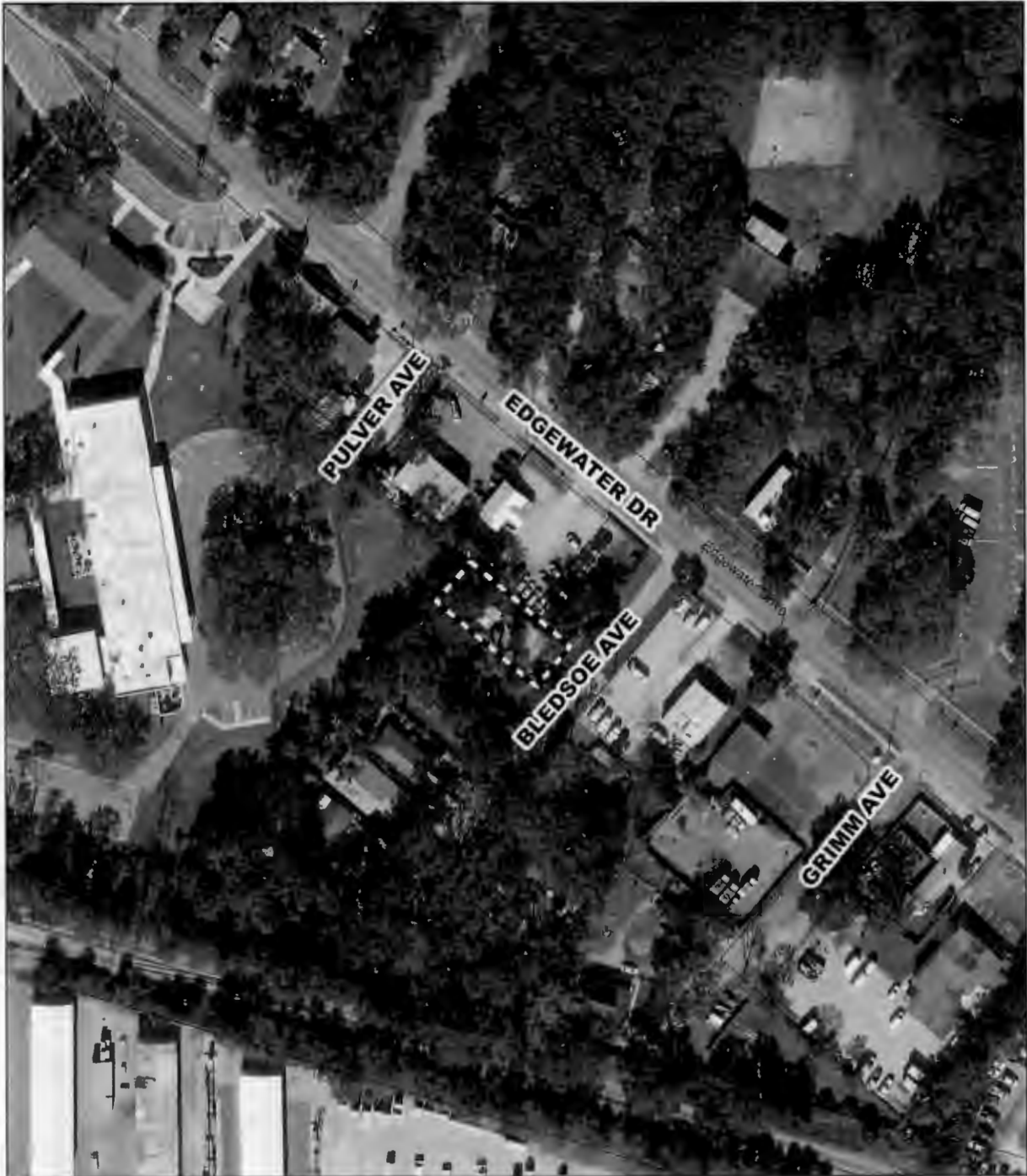
**DISTRICT:** #2

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

1 inch = 105 feet



RZ-20-09-060



 **Subject Property**



1 inch = 125 feet

**Alternative Mobility Area Context Map**

**RZ-20-09-060  
 7120 BLEDSOE AVE**

**Legend**

-  LYNX Bus Stops
-  LYNX Bus Stop Shelters
-  LYNX Park And Ride
-  LYNX Bus Route Schedule
-  Major Streets
-  Roads Base
-  Segment\_ID
-  City Sidewalk
-  County Sidewalk
-  Private Sidewalk
-  State Sidewalk
-  Railroads
-  Major Streets
-  Streets
-  PA\_PARCELS\_Buffer663
-  Parcels
-  Parcels

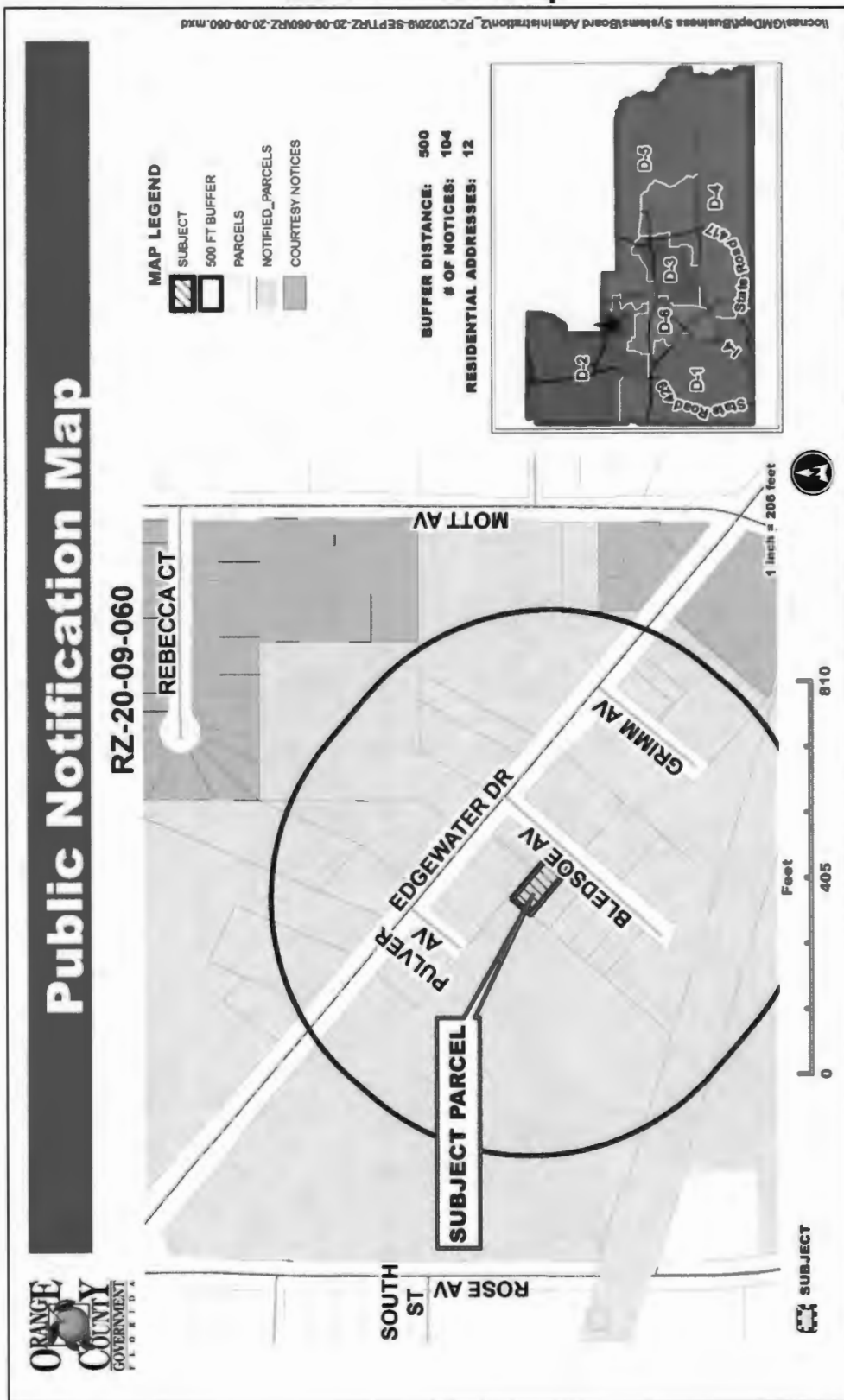


Date: 8/27/2020



Document Path: U:\GIS 2018.mxd

## Notification Map



**CASE # RZ-20-09-061**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed P.A.
<b>OWNERS</b>	Kulp Properties, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	I-1 / I-5 (Industrial District) Restricted to I-1 / I-5 (Industrial District) Restricted
<b>LOCATION</b>	Energy Air Court; generally northeast of the Energy air Court and N. Pine Hills Road intersection.
<b>PARCEL ID NUMBER</b>	31-21-29-2483-00-010, 31-21-29-2483-00-030, 31-21-29-2483-00-020
<b>TRACT SIZE</b>	3.47 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred forty-seven (247) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Rental, sales, service and storage of cranes and other heavy construction equipment which will also include the accessory use of outdoor auto repair of heavy duty trucks including but not limited to flatbeds; outdoor storage and outdoor display.

**STAFF RECOMMENDATION**

**PLANNING**

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

**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; and
- 3) Parcels 31-21-29-2483-00-010, 31-21-29-2483-00-030 and 31-21-29-2483-00-020 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
- 4) Storage and display shall be located to the rear of any proposed building so as to not be located adjacent to N. Pine Hills Road.
- 5) Outdoor storage of equipment or commodities shall be screened from public rights-of-way; and
- 6) Any auto repair and service of heavy construction equipment shall be allowed only inside an enclosed structure.

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

Through this rezoning request the applicant is seeking to remove the restriction of “No outdoor storage and display” on the I-1 / I-5 (Industrial District) zoning in order to allow rental, sales, service and storage of cranes and other heavy construction equipment.

The initial rezoning of the property comprised of 12.83 gross acres and was subdivided as Lots 1-4, and Tracts A, B and C. The subject property for this rezoning is for Lots 1, 2, and 3. The initial rezoning request stated a proposed use of Light Industrial or Church. Later, at the Board-called public hearing on February 18, 2003, the Board of County Commissioners (BCC) proposed a restricted use of “No outside storage permitted.”

The initial rezoning of properties was adjacent to a single-family residential neighborhood to the south, which was platted as Ri-Mar Ridge Subdivision on April 28, 1959 and mostly built out in 2003, when the rezoning request was approved. However, after the PSP approval, Tract B classified as private storm water and retention area was located adjacent to the single-family residential neighborhood to the south, which reduced the impacts from I-1 / I-5 uses. Today, the area surrounding the subject property consists of vacant industrial use to the north, religious to the west and warehouse to the east.

The current rezoning request to remove the restriction of “No outside storage permitted” would only apply to Lots 1, 2, and 3, and therefore the request would be compatible with the surrounding area. Even with the removal of the restrictions, the Orange County Code Section 38-79(58) & (137) would apply (see below). The use of outdoor auto repair of heavy duty trucks is not permitted, and any repair (or any paint body or mechanical work) shall be allowed only inside an enclosed structure.



Furthermore, based on analysis of the surrounding area and the Code Sections 24-4(e), (h), and 38-932 requirements, additional restrictions have been recommended as part of this request as listed in the Staff Recommendation above.

**Code Conditions:**

- 1) Section 38-79(58): Materials, vehicles and equipment stored at a dead storage yard and any other outdoor storage of equipment or commodities shall be screened from public rights-of-way, single-family residential zoned districts and single-family residences. When such use is located adjacent to residential zoned districts or homes, a Type B opaque buffer as outlined in Chapter 24 ("Landscaping, Buffering and Open Space") of the Orange County Code shall be required. In addition, paved parking is required and all other parking requirements shall be met. All materials, vehicles and equipment stored at a dead storage yard shall be removed from the site at least once every six months, and shall not be bought, sold or maintained there. Also, daily or frequent business activity shall not be conducted at a dead storage yard.
  
- 2) Section 38-79(137): Outdoor storage and display and/or sale of equipment, products, and merchandise that is typically utilized or stored outdoors is permitted, unless otherwise restricted. Examples of items typically utilized or stored outdoors include cars, trucks, construction equipment, building supplies, warehoused goods in transit, outdoor furniture, garden and lawn equipment, and trailers. Examples of items not typically utilized or stored outdoors, include indoor furnishings and appliances. Outdoor restaurant seating and outdoor garden centers in conjunction with hardware or department stores do not constitute outdoor storage. In addition to the above, items stored outdoors shall comply with the following standards:
  1. Items stored outdoors shall not be located within any public right-of-way;
  2. Items stored outdoors shall not be located within any driveway, driving aisle or on any required parking spaces; and
  3. Items stored outdoors shall not be permitted on properties not containing a licensed and approved business, at vacant buildings or on vacant properties.

**Land Use Compatibility**

The I-1 / I-5 (Industrial District) zoning, subject to restrictions, 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) 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**                      Vacant Industrial Light

**Adjacent Zoning**                N:    I-2 / I-3 (Industrial District, General)  
     E:    I-1 / I-5 (Industrial District, Light)

W: A-1 ( Citrus Rural District)  
 I-1A (Restricted Industrial District)  
 S: I-1 / I-5 (Industrial District, Light)

**Adjacent Land Uses**

N: Vacant Industrial  
 E: Warehouse  
 W: Religious  
 S: Private Storm Water, Retention

**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**

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.

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>No conservation areas are located onsite. The subject property was included in Orange County Conservation Area Determination CAD 04-077 and impact permit CAI 04-047 completed in 2004.</p> <p>The north portion of the subject property has remained vacant and vegetated. Wildlife may be located onsite. Development shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is</p>

			responsible to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). If a Gopher Tortoise Incidental Take Permit was previously approved, please contact the FWC to make arrangements for humane relocation.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 8/27/20, there are several failing roadway segments within a one-mile project area: Edgewater Drive from Clarcona Ocoee Road to Beggs Road; Maitland Boulevard from Orange Blossom Trail to Forest City Road; Summerlake Park Boulevard from Porter Road to Summerlakes Groves Street; Summerlakes Groves Street to Seidel Road; Seidel Road to Ficquett Road / Reams 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	16-inch watermain within Energy Air Court right-of-way
Wastewater:	Orange County Utilities	8-inch gravity main within Energy Air Court right-of-way
Reclaim Water:	Orange County Utilities	Not Currently Available

\* This development will be required to connect to municipal water and wastewater.

**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 – (September 17, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District) restricted 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; and**
- 3) **Parcels 31-21-29-2483-00-010, 31-21-29-2483-00-030 and 31-21-29-2483-00-020 shall be aggregated into one (1) lot prior to the issuance of any use permit; and**
- 4) **Storage shall be located to the rear of on-site buildings and parking areas so as to not be adjacent to N. Pine Hills Road and Energy Air Court; and**
- 5) **Any auto repair and service of heavy construction equipment shall be allowed only inside an enclosed structure; and**
- 6) **There shall be a ten-foot wide landscape buffer along the N. Pine Hills Road and Energy Air Court site perimeters. In addition to the shrubs and groundcovers as required by code, the buffer shall include one (1) Understory tree between every Canopy tree (such canopy trees are required to be placed every 40 linear 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 I-1 / I-5 (Industrial District) restricted zoning subject to six (6) restrictions. It was noted that two (2) restrictions were updated. The applicant was present and agreed with the staff recommendation, and provided a brief explanation of compatability with the surrounding area.

Staff indicated that two hundred forty-seven (247) notices were mailed to surrounding property owners within a 1,000 feet surrounding the subject property and that staff had received one (1) response in opposition to the request, and zero (0) in favor. The opposition

stated that all surrounding properties are fully occupied, landscaped, well maintained, and that previously approved properties for outdoor storage failed to maintain the appearance with landscaping, as well as an opposition to outdoor storage. No members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Velazquez and seconded by Commissioner Dunn, to recommend APPROVAL of the requested I-1 / I-5 (Industrial District) restricted zoning subject to six (6) restrictions. The motion carried on a 7-0 vote.

**Motion / Second**

*Diane Velazquez / Jimmy Dunn*

**Voting in Favor**

*Diane Velazquez, Jimmy Dunn, Gordon Spears, Evelyn Cardenas, Eddie Fernandez, Carlos Nazario, and Mohammed Abdallah*

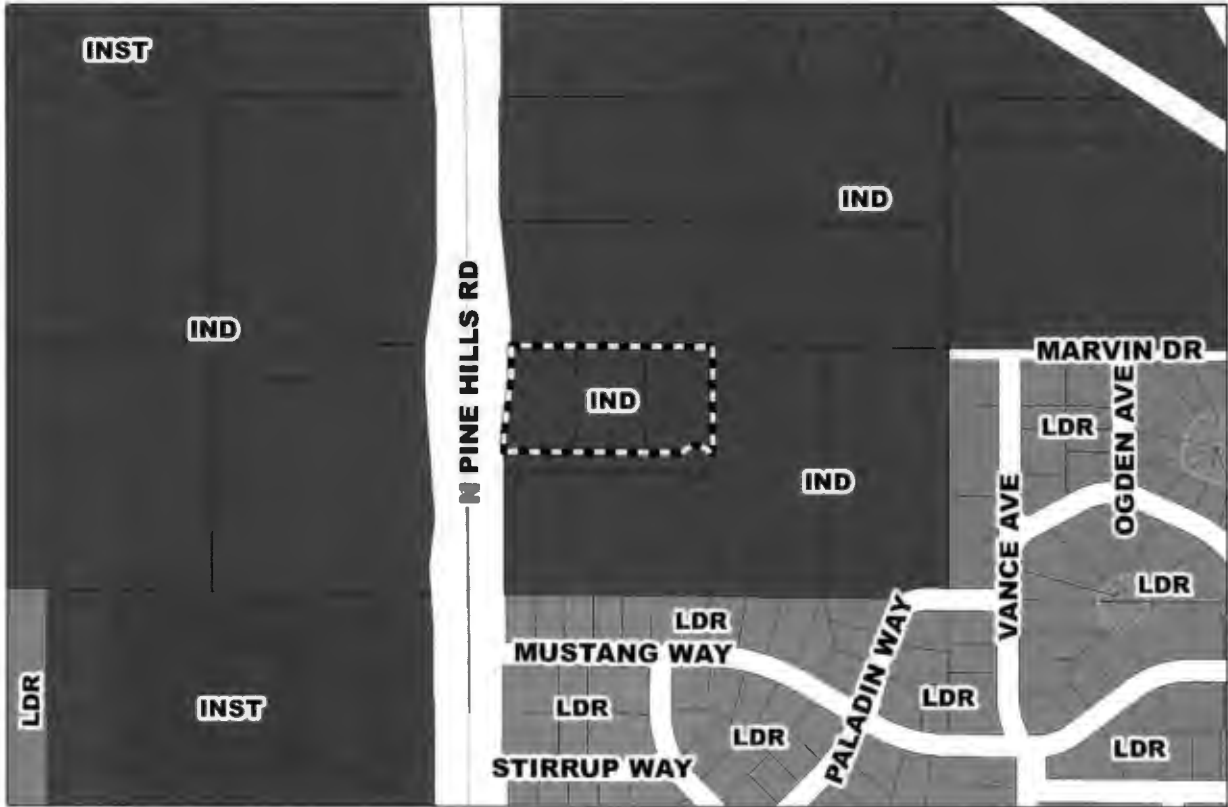
**Voting in Opposition**

*None*

**Absent**

*Nelson Pena and JaJa Wade*

RZ-20-09-061



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Industrial (LDR)

**APPLICANT:** Rebecca Wilson  
 Lowndes, Drosdick, Doster,  
 Kantor & Reed P.A.

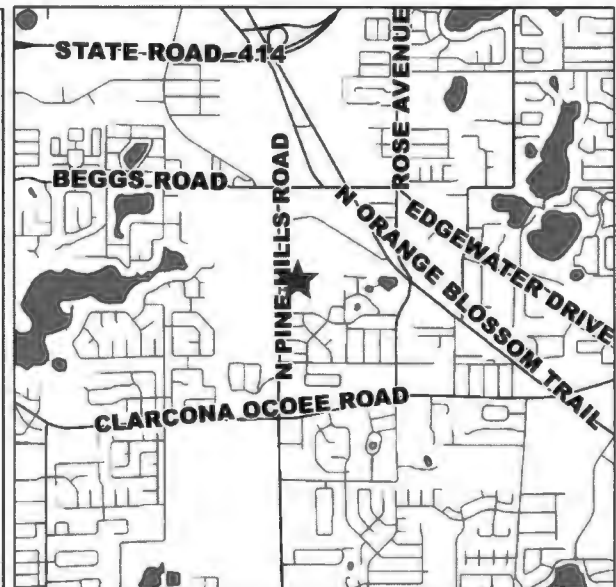
**LOCATION:** Energy Air Court; generally north of  
 Energy air court and approximately 100  
 feet east of N. Pine Hills Road.

**TRACT SIZE:** 3.47 gross acres

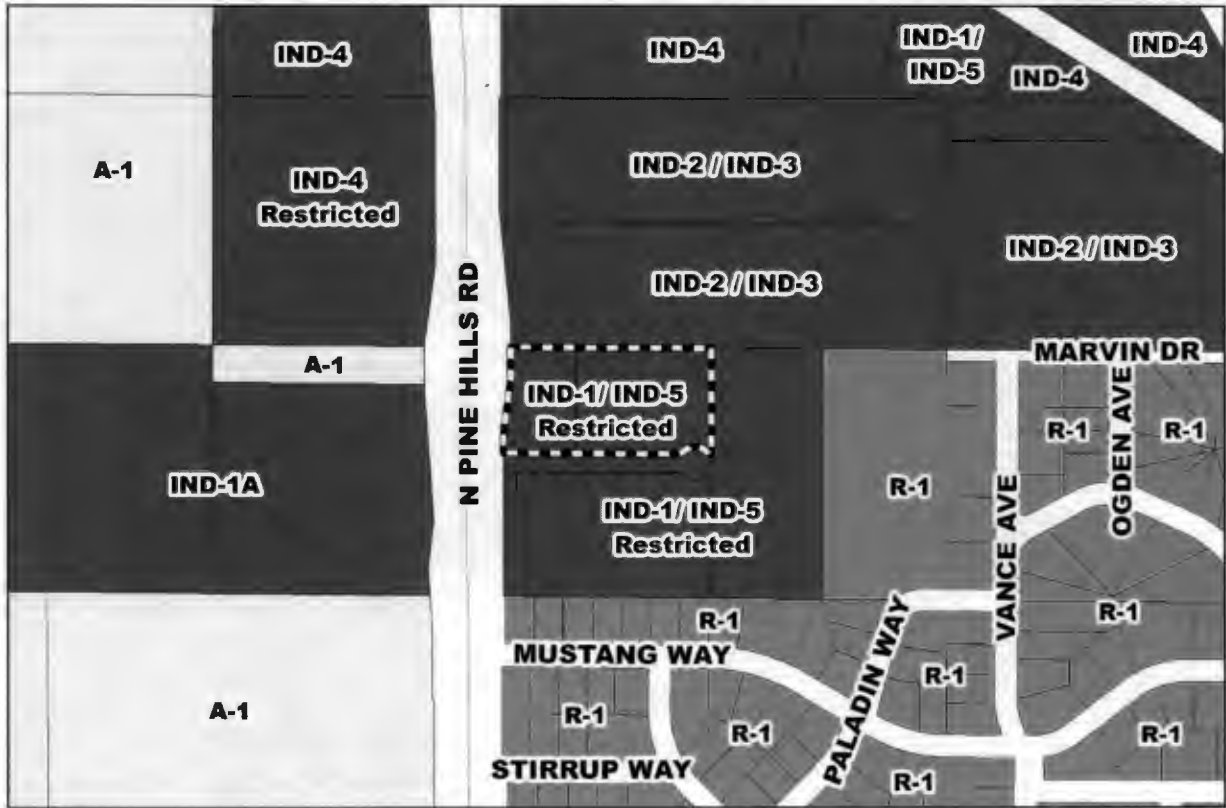
**DISTRICT:** #2

**S/T/R:** 31/21/29

1 inch = 415 feet



RZ-20-09-061



Subject Property



Subject Property

**Zoning Map**

**ZONING:** IND-1/IND-5 Restricted (Industrial District)  
to IND-1/IND-5 (Industrial District)

**APPLICANT:** Rebecca Wilson  
Lowndes, Drosdick, Doster,  
Kantor & Reed P.A.

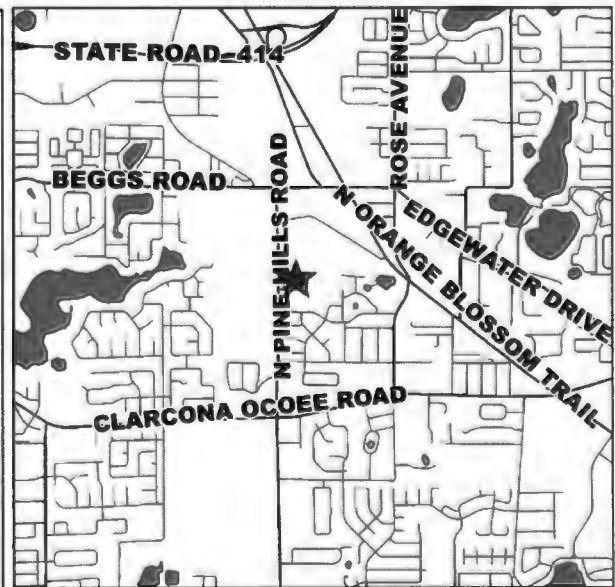
**LOCATION:** Energy Air Court; generally north of  
Energy air court and approximately 100  
feet east of N. Pine Hills Road.

**TRACT SIZE:** 3.47 gross acres

**DISTRICT:** #2

**S/T/R:** 31/21/29

1 inch = 415 feet





RZ-20-09-061



 Subject Property



1 inch = 250 feet



**Division**

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