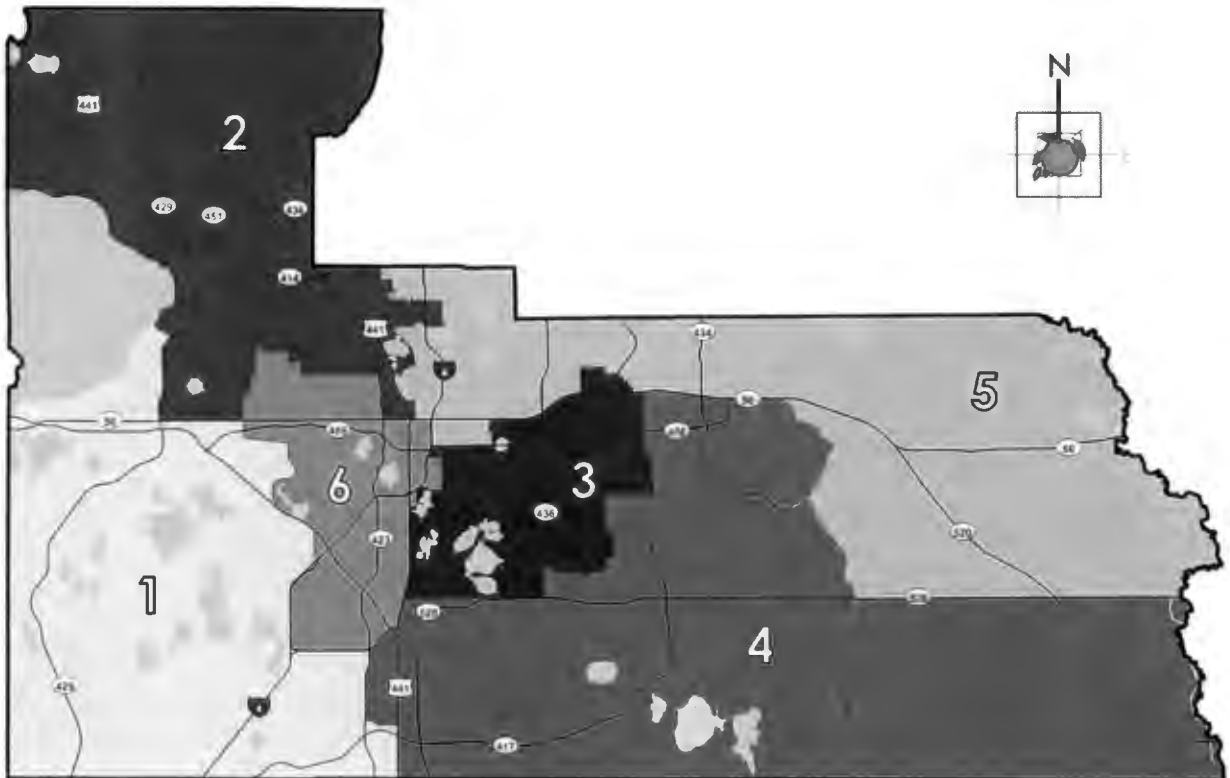




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS


DECEMBER 21, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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Nelson Pena Chairman	At Large

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I. Conventional Rezoning Hearing					
RZ-23-05-034 Abdul Alkadry	R-1AA to R-1	5	Approval	Denial	No
RZ-23-04-020 Fernanda Jones	A-2 to R-2 Restricted	3	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ-23-11-093 Scott Griffiths	R-1A & R-3 to I-1/I-5 Restricted	2	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
RZ-23-12-097 Clifton Boone	R-1A to R-1	6	Approval	Approval	No
RZ-23-12-103 Michael D. Harding	A-2 to I-1/I-5	3	Approval	Approval	No
RZ-23-12-105 Peter Duke	A-2 & R-2 Restricted to R-1A	3	Postponed	Postponed	No
RZ-23-12-106 Simone Lowman	A-1 to R-1	2	Approval	Approval	No
RZ-23-12-107 Jose Ferrer	A-2 to R-1A Restricted	4	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ23-12-110 Lesly Hajar	C-1 to C-2 Restricted	3	Approval w/ two (2) restrictions	Approval w/ two (2) restrictions	No
RZ-24-01-111 Eric Biernacki	R-1A to R-1	5	Approval	Approval	No
RZ-24-01-113 Christian Alexis Betancour	R-1A to R-1 Restricted	3	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (¼ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-2	SFR - 21,780 (¼ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	A
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	A
R-CE-2	2 acres	1,200	250	45	50	30	35	A
R-CE-5	5 acres	1,200	185	50	50	45	35	A
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	A
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	A
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	A
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	A
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	A
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	A
	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	A
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	A
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	A
	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	A
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	A
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	A
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	A
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	A
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	A
R-T-2 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	A
R-T-2 (after 1/29/73)	21,780 ¼ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	A

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)	
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A	
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A	
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A	
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	A	
	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>	A	
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>	A	
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A	
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A	
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A	
	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>	A	
NC	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>	A	
	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>	A	
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A	
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A	
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A	
P-O	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>	A	
	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>	A	
	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	A	
	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	A

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

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

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

FOOTNOTES

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

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

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

(a) **Buffer classifications:**

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

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

Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: December 21, 2023

RZ-23-05-034

Commission District: #5

GENERAL INFORMATION

APPLICANT: Mr. Abdul Alkadry

OWNERS: Abdulkader Alkadry and Suha Alkadry

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: Eastern portion of 3658 N. Econlockhatchee Trl; located west of N. Econlockhatchee Trl, approximately 93 feet south of Fryland Rd, and 280 feet north of Lake Irma Pt.

PARCEL ID NUMBER: 01-22-30-4948-00-220 (eastern portion of)

SIZE/ ACREAGE: 0.20-gross acre (proposed parcel) (overall acreage is 0.76)

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-one (81) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A virtual community meeting was held on August 1, 2023, and is summarized in this staff report.

PROPOSED USE: One (1) detached single-family dwelling unit, pending lot split approval

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the eastern portion of the subject property from R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct one (1) detached single-family home. The remaining part of the property will remain as the current R-1AA zoning. The applicant will request to split the lot through the Zoning Division which will be contingent upon the approval of this request.

The subject property is a total of 0.76-gross acre with the portion of the property proposed to be rezoned as 0.20-gross acre. The property was platted in 1943 as part of the Lakewood Park subdivision. The subject property is currently developed with a single-family home, and the property owner intends to demolish and redevelop the existing home and construct one (1) additional home after a lot split is approved. The Environmental Protection Division completed a CAD (CAD-23-04-063), and it was determined that no wetlands exist on the subject property.

The surrounding area of the subject property is primarily detached single-family homes on 80 feet to 105 feet wide lots within R-1AA (Single-Family Dwelling District) zoning. The properties located along Lake Irma Point are approximately 0.48-gross acre to 1-gross acre in lot size. Residential properties along the west side of N. Econlockatchee Trail between Lake Irma Point and University Blvd vary in sizes from approximately 0.21-gross acre to 1-gross acre. The residential properties along the east side of N. Econlockatchee Trail are approximately 0.46-gross to 0.85-gross acre. The proposed 0.20 acre lot would measure 57.8 feet wide and there would be a 20 foot portion of the rear lot (existing parcel) that would extend to N. Econlockatchee Trail on the north side of the proposed lot.

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

Rural Settlement

The subject property is not in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not in a JPA.

Overlay District Ordinance

The subject property is not within an Overlay District.

Airport Noise Zone

The subject property is not in an Airport Noise Zone.

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR. The proposed R-1 (single-family dwelling district) zoning is consistent with the LDR FLUM designation; therefore, a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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	Residential
Adjacent Zoning	N: R-1AA (Single-Family Dwelling District) E: R-1AA (Single-Family Dwelling District) W: Water body S: R-1AA (Single-Family Dwelling District)
Adjacent Land Uses	N: Residential E: Residential W: Water body S: Residential

R-1 (single-family dwelling district) Development Standards

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

Building Setbacks

Front: 20 feet
Rear: 20 feet
Side: 5 feet

** 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-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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

Environmental

CAD (CAD-23-04-063) was completed and it was determined that no wetlands exist on the subject property.

MSTU - Lake Irma has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Irma, this project shall be required to be a participant.

Boat Docks or Ramps - Approval of this plan/request does not constitute approval of a permit for the construction of a boat dock or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under OC Code Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under OC Code Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County EPD (407-836-1400).

Shoreline - Any clearing of vegetation, wetland enhancement, or altering of the shoreline in the upland buffer, wetland, or below the normal high water elevation (NHWE) shall require approval by the Orange County EPD. Reference OC Code Chapter 15, Article VII Lakeshore Protection, Sec. 15-254.

Existing Septic and Well - 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Septic System Setbacks - If septic is required, the lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. Especially note setbacks: no less than 75 feet from jurisdictional wetlands, and 150 feet from the normal high water elevation (NHWE) of surface water bodies. Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-540.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices for erosion control. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Solid Waste Disposal - Any 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.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species. 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 and the Florida Fish & Wildlife Conservation Commission.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 4/18/2023, there are multiple failing roadway segments within the project's impact. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office may be required.

Schools

One home is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A virtual community meeting was held on Tuesday, August 1, 2023. 7 residents attended this meeting along with Commissioner Bonilla's aide, the applicant, transportation planning staff member, and planning staff. Several residents in attendance opposed the requested R-1A zoning district, stating that they prefer to keep their neighborhood as R-1AA and

many of the lots in the surrounding area are a minimum 10,000 square feet, some larger than 20,000 square feet. One resident stated that he was opposed or in favor of the request and questioned the applicant about the proposed location of the fee-simple access tract. To date, staff has received zero (0) letters in favor and six (6) letters in opposition to the request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL 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 for the hearing and agreed with the staff's recommendation to approve the R-1 zoning. Two (2) residents appeared at the hearing to provide public comment and one of those speakers was donated time by another resident. Each speaker stated concerns regarding compatibility with the surrounding development, water quality concerns in the lake, and septic reliance for the proposed lot.

Staff indicated that eighty-one (81) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and eleven (11) responses in opposition of the request.

After discussion amongst the Commissioners regarding the reliance on septic tanks for wastewater disposal and the concern of incompatibility of the proposed R-1 zoning with existing lot sizes in the area, a motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend DENIAL of the requested R-1 (Single-Family Dwelling District) zoning due to incompatibility with the surrounding neighborhood. The motion carried on a 5-0 vote.

Motion / Second	<i>Gordon Spears / George Wiggins</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas, and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-05-034

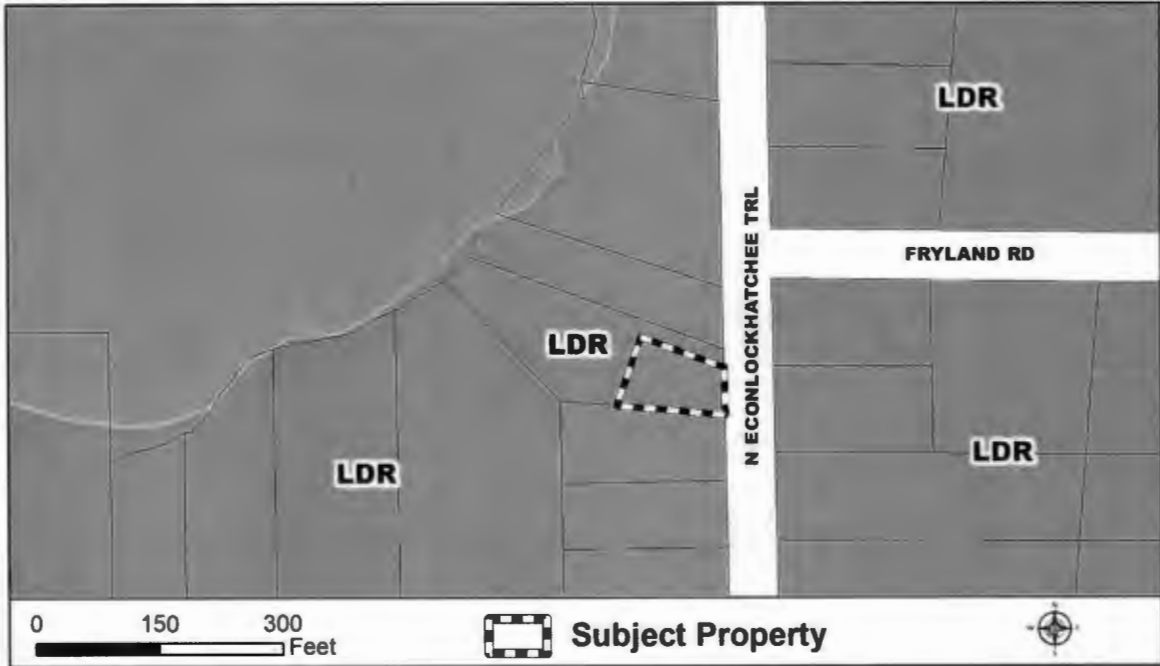


 Subject Property



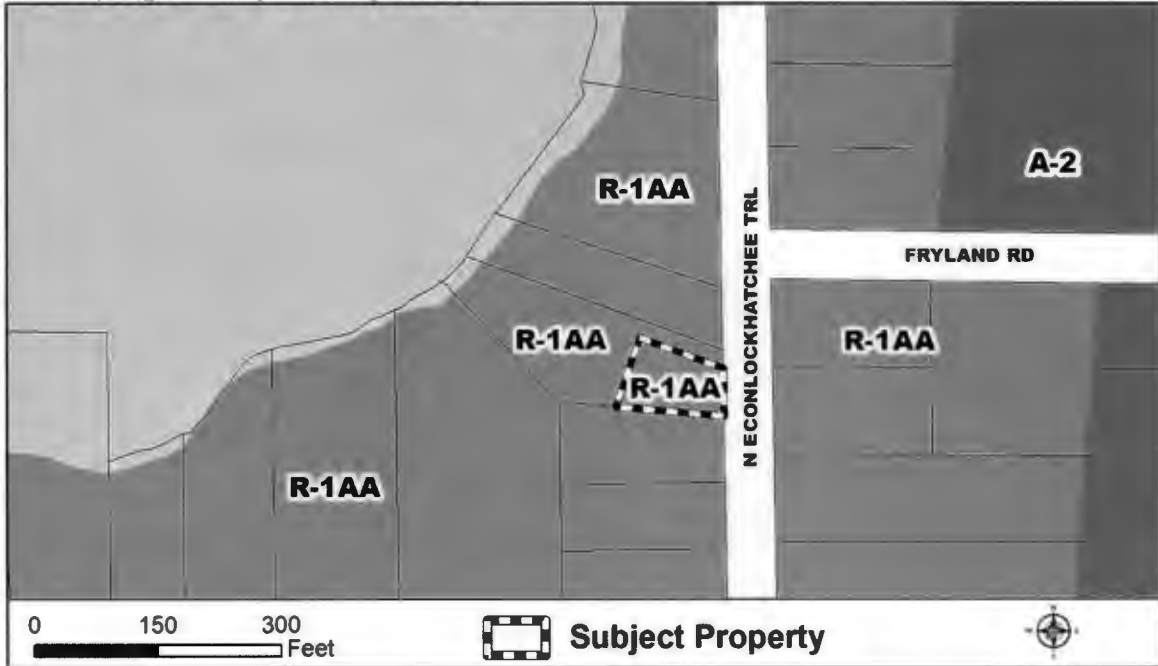
0 100 200 Feet

FUTURE LAND USE – CURRENT
Low Density Residential (LDR)



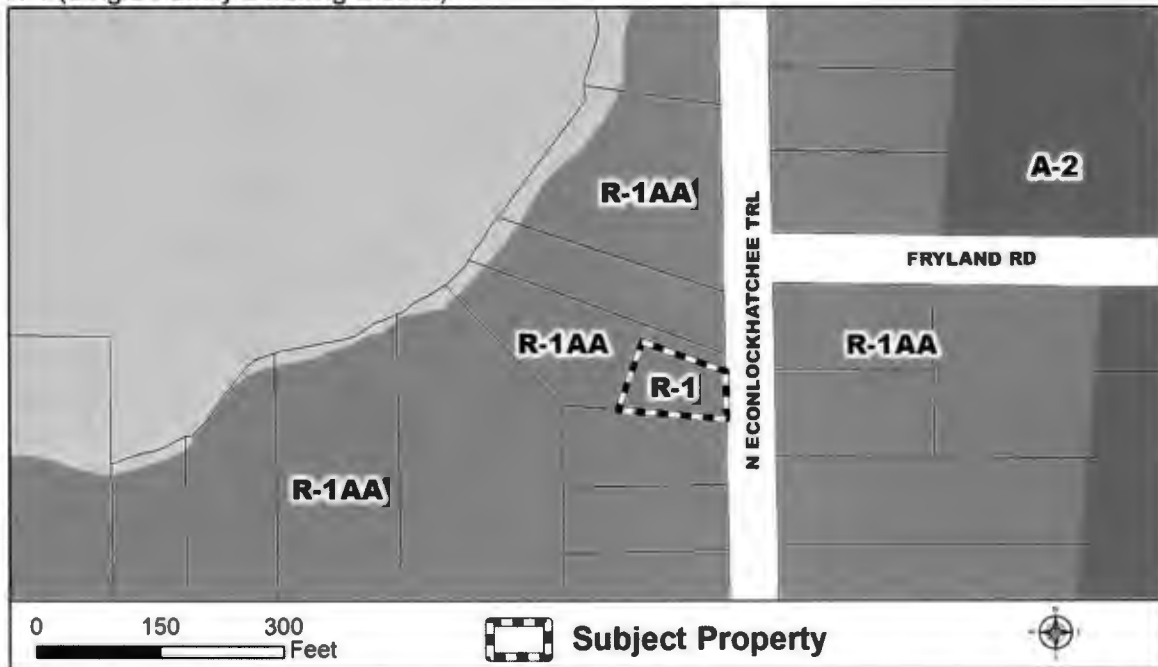
ZONING – CURRENT

R-1AA (Single-Family Dwelling District)



ZONING – PROPOSED

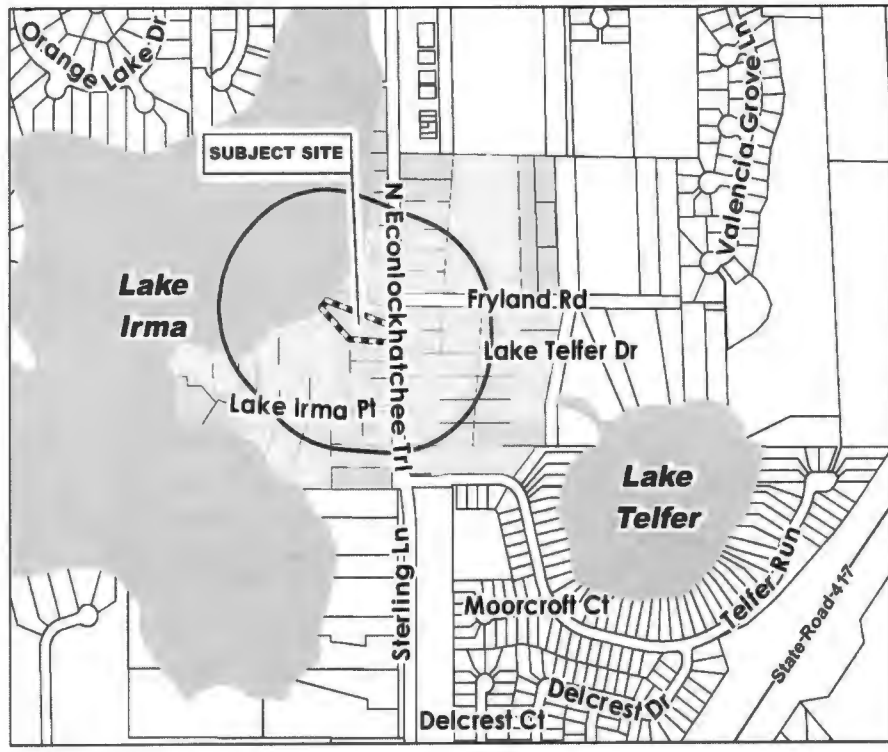
R-1 (Single-Family Dwelling District)





Public Notification Map

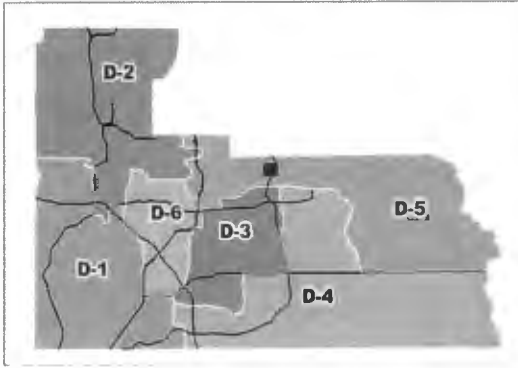
RZ-23-05-034



MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	500FT BUFFER		COURTESY PARCELS
	1 MILE BUFFER		PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 500
OF NOTICES: 81



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NOTIFICATION MAP

Case # RZ-23-05-034
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-23-04-020

Commission District: #3

GENERAL INFORMATION

APPLICANT: Fernanda Jones

OWNER: Doris Shapiro

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
R-2 Restricted (Residential District)

LOCATION: Curry Ford Rd; generally south of Curry Ford, west of S. Ecolonlockhatchee Trl.

PARCEL ID NUMBER: 12-23-30-0000-00-031

SIZE/ ACREAGE: 1.369-gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seven hundred seventy-seven (777) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on December 19, 2023, and is summarized further in this report.

PROPOSED USE: Seven (7) Single-Family Detached Dwelling Units

STAFF RECOMMENDATION

PLANNING

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

- 1) Development shall be limited to a maximum of seven (7) single-family detached residential dwelling units.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject property to R-2 Restricted (Residential District) to be consistent with the underlying FLUM designation and intends to develop seven (7) lots with single-family detached residential dwelling units.

The subject property is currently zoned A-2 (Farmland Rural District), which existed prior to the establishment of the Future Land Use Map and is currently undeveloped. The area surrounding the subject property is characterized primarily by single-family detached units mostly 52 ft to 54 ft wide lots. The proposed R-2 Restricted district would allow for 45 ft wide lots.

Development within this property will be required to connect to Orange County Utilities wastewater system.

Land Use Compatibility

The R-2 Restricted (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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No cases found.

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 Low Density Residential (LMDR) 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-1 Restricted (Residential District) 1983 E: R-2 (Residential District) 1988 W: R-2 (Residential District) 1981 S: R-2 (Residential District) 1988
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-2 (Residential District) Development Standards

One-Family Dwelling

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

Building Setbacks:
Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Two Dwelling Units

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

Three Dwelling Units

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

Four or More Dwelling Units

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

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

Permitted Uses

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

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

SPECIAL INFORMATION

Staff Comments

Environmental

CAD Complete - An Orange County Conservation Area Determination (CAD-23-08-125) was completed and approved on 11/3/23. No wetlands were located on site.

Habitat Protection - 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).

Solid Waste Disposal - 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. Recycling of materials is encouraged if applicable. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).

Transportation / Access

Based on the Concurrency Management database (CMS) dated 2/17/2023, there are failing roadways within the project's impact area along Chickasaw Tr., from Cascade Rd. to Curry Ford Rd. and along Goldenrod Rd., from Pershing Ave. to Curry Ford Rd. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

Schools

Seven homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was held on December 19, 2023. One resident was present in opposition to the request stating concern for noise and the desire for the property to remain undeveloped.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting

Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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

- 1) Development shall be limited to a maximum of seven (7) single-family detached residential dwelling units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented with the recommendation that the PZC make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-2 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation. Two members of the community spoke in opposition of the request during public comment.

Staff indicated that seven hundred seventy-seven (777) notices were mailed to those property owners in the mailing area extending 850 feet from the subject property, and that staff received two (2) commentaries in opposition to the request and zero (0) in support. Some of the concerns mentioned were about traffic, construction noise, and loss of trees. During public comments two (2) members of the public were present and spoke in opposition of the request, with concerns about traffic, pollution, and loss of trees.

After discussion addressing preliminary subdivision plan process and compatibility with the surrounding area and the need for infill development, a motion was made by Commissioner Cardenas and seconded by Commissioner Evans to recommend approval of the requested R-2 Restricted (Residential District) zoning, subject to one (1) restriction. The motion carried on a 5-0 vote.

Motion / Second	<i>Evelyn Cardenas / Camille Evans</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>


RZ-23-04-020



 Subject Property



0 225 450 Feet

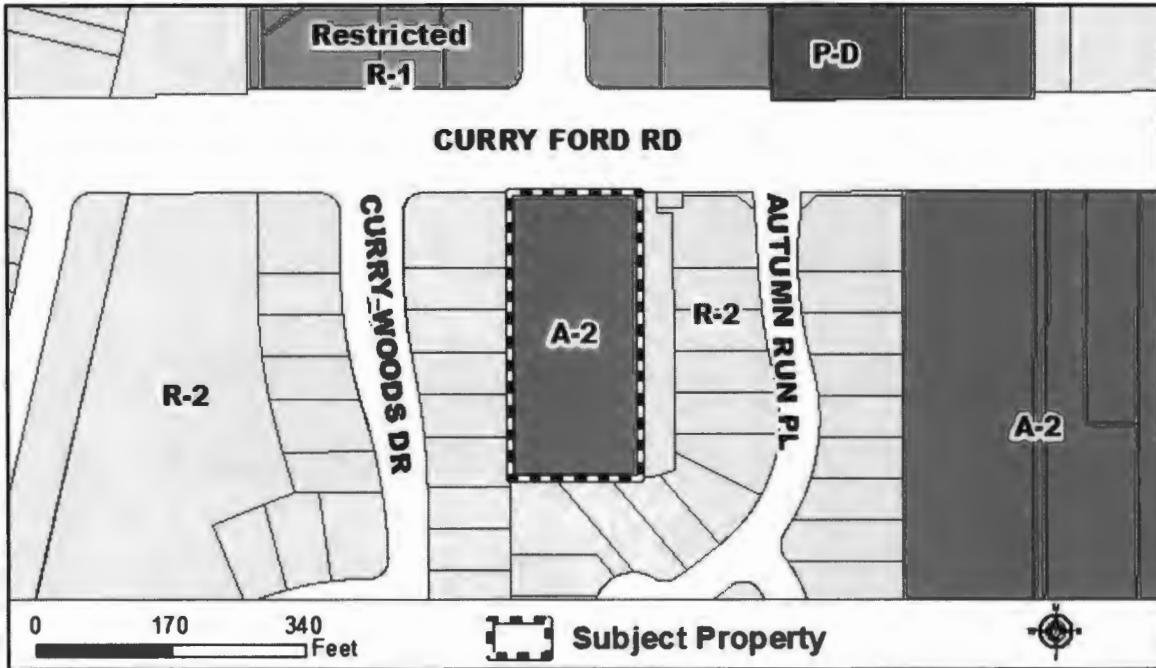
A horizontal scale bar with three segments, labeled 0, 225, and 450 Feet.

FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



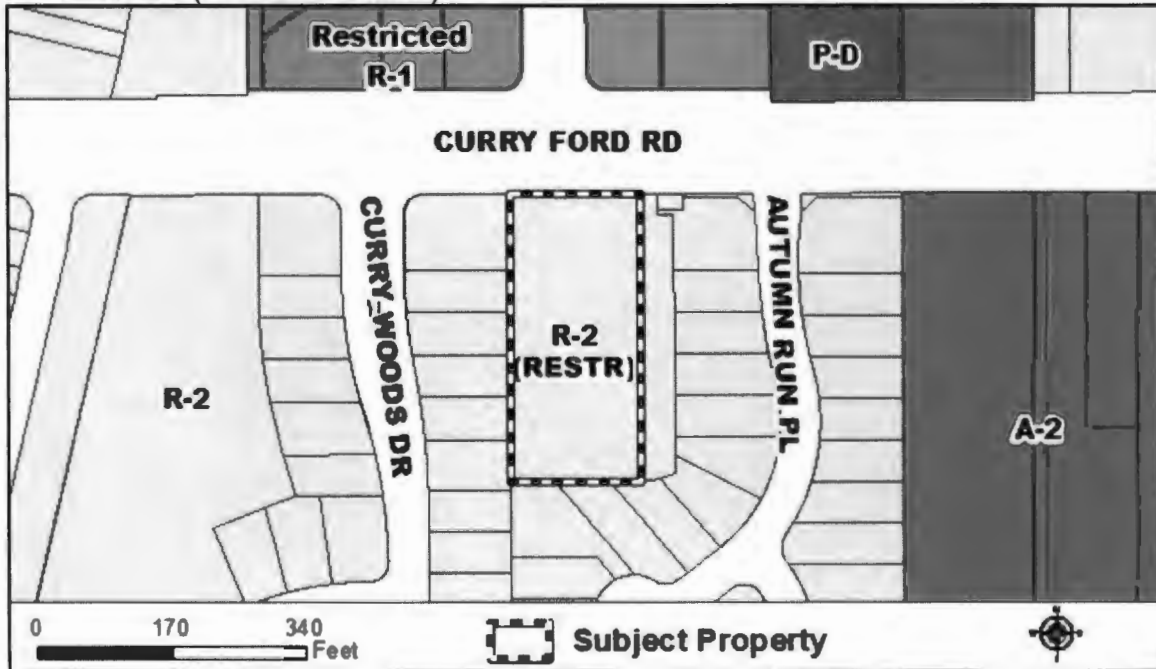
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

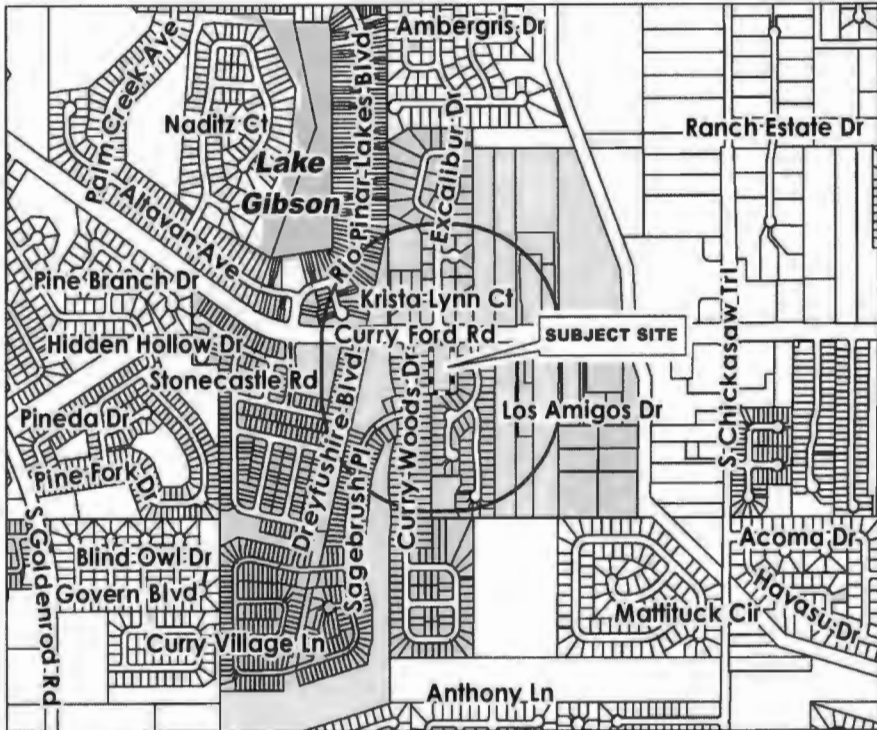
R-2 Restricted (Residential District)





Public Notification Map

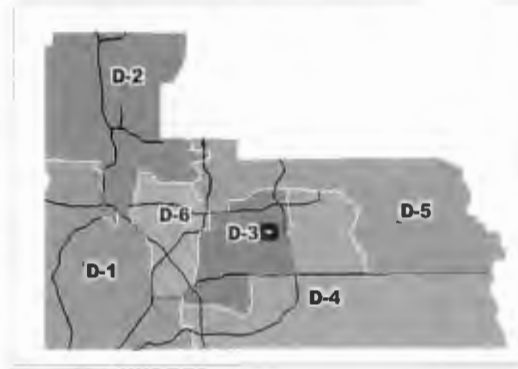
RZ-23-04-020



MAP LEGEND

	SUBJECT_SITE		COURTESY PARCELS
	850 FT BUFFER		HYDROLOGY
	PARCELS		
	NOTIFIED_PARCELS		

BUFFER DISTANCE: 850
OF NOTICES: 777



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NOTIFICATION MAP

Case # RZ-23-04-020
 Orange County Planning Division
 PZC Hearing Date: December 21, 2023

CASE # RZ-23-11-093

Commission District: #2

GENERAL INFORMATION

APPLICANT	Scott Griffiths, Aspire Health Partners, Inc.
OWNER	TD Associates, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) and R-3 (Multiple-Family Dwelling District) to I-1 / I-5 Restricted (Industrial District-Light)
LOCATION	5600 Clarcona Ocoee Road; generally east of Lake Sparling Road, north of Clarion Drive, west of N. Pine Hills Road
PARCEL ID NUMBER	06-22-29-5844-00-112
TRACT SIZE	3.56-gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred one (201) notices were mailed to those property owners and residents in the surrounding area. A virtual community meeting was held for this application on November 29, 2023 and is summarized in this report.
PROPOSED USE	Residential Care Facility

STAFF RECOMMENDATION

PLANNING

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

- 1) The subject property shall be limited to Residential Care Facility uses along with ancillary office uses only; and
- 2) New billboards and pole signs shall be prohibited.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant intends to rezone the subject property to I-1/I-5 Restricted (Industrial District-Light) in order to operate a residential care facility as a primary use on the 3.56 gross acre site. The use has existed on the site since 1997.

The subject property is developed with a 9,900 SF structure which was used as a drug rehabilitation center (residential care facility) for juveniles. The use was vacated in 2013. In order to re-establish the use and services for adolescent patients under a new grant program, a rezoning to fix the FLUM designation and zoning district inconsistency is required prior to permitting. No new structures are proposed.

The residential care facility land use is allowed in all commercial zoning districts, however, approval of a special exception is required whereas the I-1/I-5 zoning district allows the use by right per OC Code 38-79 permitted uses table (SIC Group 8361). The current Future Land Use is Institutional which is consistent with all zoning districts.

The surrounding area can be characterized as mixed with residential, office, industrial and commercial uses along the Clarcona Ocoee Road and Pine Hills Road corridor. Adjacent properties to the east are zoned I-1/I-5 and included uses such as a medical office, a recycling plant, and a self-storage facility. To the west is the Faine House residential care facility which hosts ten private bedrooms and accepts 18-23 year-olds for substance abuse.

Land Use Compatibility

The I-1/I-5 Restricted (Industrial District-Light) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties as other industrial light designation and residential care facilities exist in the surrounding area.

Site Analysis

Rural Settlement

The subject property is not located in the Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located in a overlay District.

Airport Noise Zone

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

Code Enforcement

No Cases Found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Institutional (INST). The proposed I-1/I-5 Restricted (Industrial District-Light) zoning is consistent with the Institutional 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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	Use Vacated for more than six months
Adjacent Zoning	N: P-D (Clarcona Groves) (1997)

- E: I-1/I-5 (Industrial District – Light) (1975)
 - W: R-1A (Single-Family Dwelling District) (1957)
R-3 (Multi-Family Dwelling District) (1988)
 - S: R-3 (Multi-Family Dwelling District) (1987)
- *No restrictions placed on the zoning districts above.*

- Adjacent Land Uses**
- N: Commercial
 - E: Medical Office
 - W: Juvenile Residential Care Facility
 - S: OC Pond

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

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

Building Setbacks*

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

**50 feet required setback when abutting residential zoning.*

Intent, Purpose, and Uses

The intent and purposes of the I-1/I-5 industrial district are as follows:

- (1) 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.
- (2) To provide space for those industries which required locations accessible to major transportation facilities.
- (3) To establish and maintain standards which will protect adjacent residential and commercial developments.
- (4) To provide space for those industries and other uses of land which require a location in close proximity to airports.
- (5) To provide locations for those industries which employ the processing of bulk material and which require space for open storage of materials.
- (6) To allow industrial uses where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations.
- (7) To establish and maintain standards which promote development of a wide variety of industrial and related activities.

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

Environmental

Demolition - 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.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Wekiva Priority Focus and Study Areas - This site is located within the Wekiva Priority Focus Area and the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply. Additional environmental regulations apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Solid Waste Management Facility Proximity - This site may be adversely impacted by existing solid waste management activities from nearby solid waste facilities. Potential odor and noise disturbance to occupants should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

Habitat Protection - 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).

Transportation / Access

Based on the Concurrency Management database (CMS) dated 10/25/2023, capacity exists within the project's impact area. This information is dated and subject to change. Prior to building permit approval, a Concurrency Application through the Concurrency Management office will be required. A Traffic Study may be required at that time.

Schools

The applicant is proposing to utilize the property for institutional purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

No comments.

Community Meeting Summary

The community meeting took place last night at Ridgewood Park Elem; eleven (11) residents attended. The applicant team Aspire Health Partners had eight (8) associates from their organization also in attendance. Overall, the tone of the meeting was tense.

The applicant team presented a thorough presentation providing an overview of the business, need for services, proposed use and overall information to help the community gain understanding of the incoming development in their backyards.

With that, the community members expressed some familiar concerns about:

- The use is not compatible with the residential area. "Faine House already exist and there is nothing that can be done about that,"
- The property would be better suited for a community center or green space which is desperately needed in district 2.
- Proposed location is not central to public transportation,
- High concerns of security protocols Aspire has in place to keep the patients on property and not roaming the community, and
- 'Why is our area targeted for these specific uses'? The use (substance abuse treatment and mental health services) is already saturated in the area.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Waste Water: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – (December 21, 2023)

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

- 1) The subject property shall be limited to Residential Care Facility uses along with ancillary office uses only; and
- 2) New billboards and pole signs shall be prohibited.

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 Restricted (Industrial District-Light) zoning subject to two restrictions. The applicant was present for the hearing and agreed with the staff's recommendation. Five (5) residents spoke during public comment. One (1) resident spoke in opposition to the request and was donated time by two other residents stating concern for proliferation of drug treatment centers in the area and the desire to see a community center instead. Four (4) residents spoke in favor of the request.

Staff indicated that two hundred one (201) notices were sent to property owners and residents extending beyond 1,200 feet surrounding the property, and that staff had received zero (0) responses in favor and twelve (12) responses in opposition of the request.

After discussion regarding the proposed use and the concern of security to which the applicant clarified that the residents are supervised and not allowed to leave without supervision, a motion was made by Commissioner Wiggins, and seconded by Commissioner Evans to recommend APPROVAL of the requested I-1 / I-5 Restricted (Industrial District - Light) zoning subject to two restrictions as presented. The motion carried on a 5-0 vote.

Motion / Second	<i>George Wiggins / Camille Evans</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-11-093



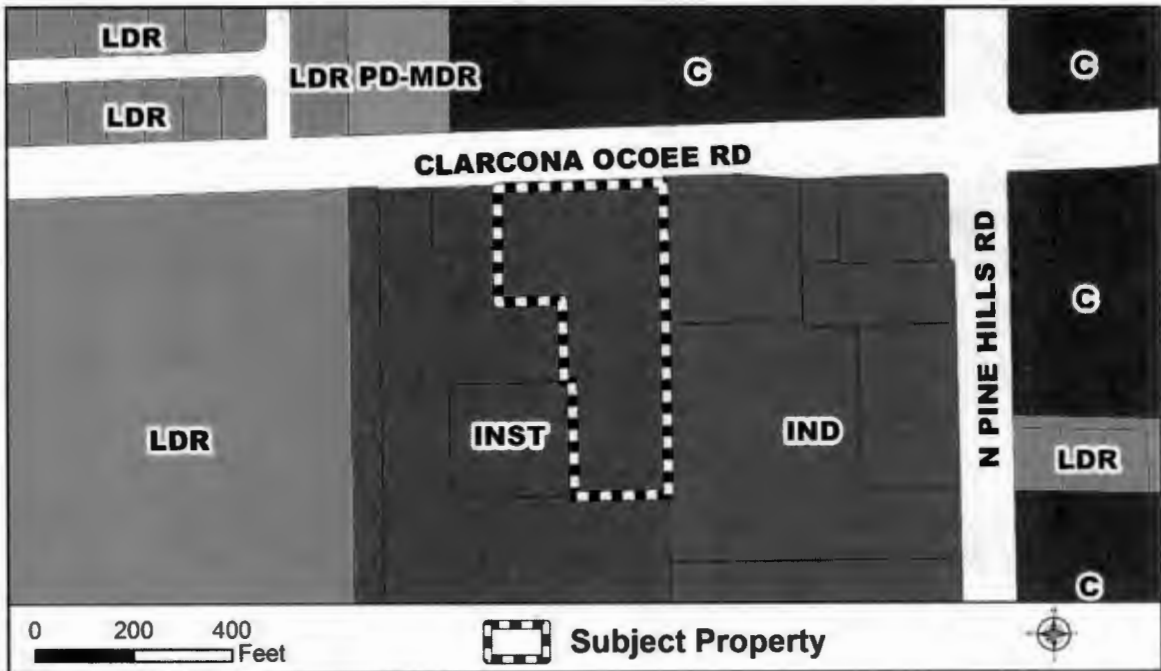
 Subject Property



0 200 400 Feet



FUTURE LAND USE - CURRENT
Institutional (INST)



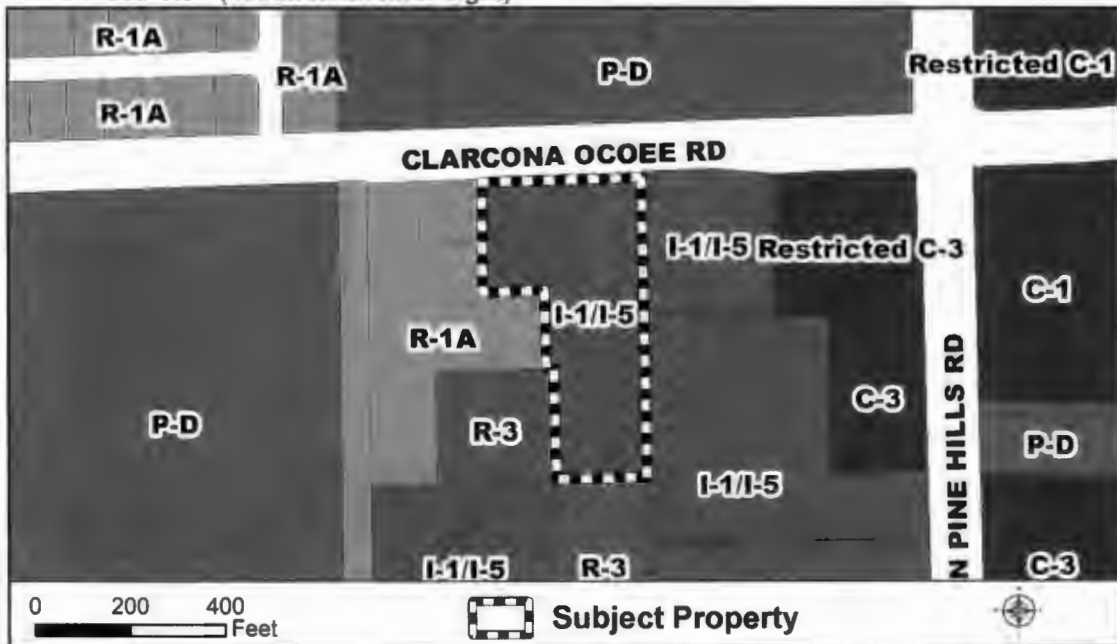
ZONING – CURRENT

R-1A (Single-Family Dwelling District) and R-3 (Multiple-Family Dwelling District)



ZONING – PROPOSED

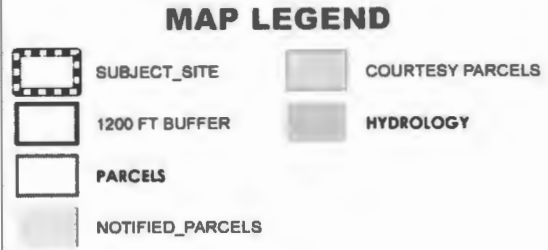
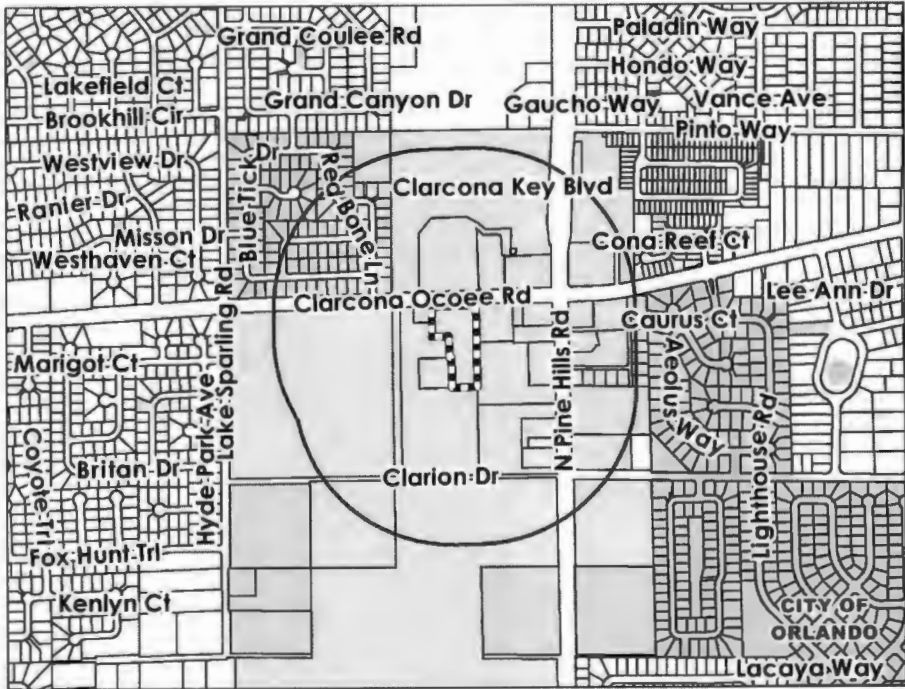
I-1/I-5 Restricted (Industrial District-Light)



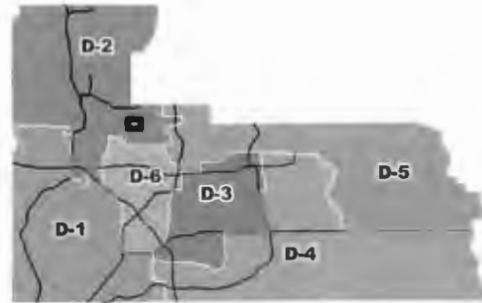


Public Notification Map

RZ-23-11-093



BUFFER DISTANCE: 1200
OF NOTICES: 201



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Notification Map

Orange County Planning Division
PZC Hearing Date: December 21, 2023

Case # RZ-23-11-093

CASE # RZ-23-12-097

Commission District: #6

GENERAL INFORMATION

APPLICANT: Clifton Boone

OWNERS: Clifton Boone and Teresa Boone

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: Pearlwood St; generally located on the westside of Pearlwood St, North of Old Winter Garden Rd, East of Pine Hills Rd, and South of Robinson St.

PARCEL ID NUMBER: 30-22-29-2744-11-070

SIZE/ ACREAGE: 0.16-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-two (142) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: One single-family dwelling unit.

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

The subject property was platted as a 54 ft wide lot in 1926 and zoned as R-1A in 1957, prior to the implementation of the Orange County Comprehensive Plan. Today the lot is undeveloped. The current zoning district of R-1A requires minimum 75 ft wide lots whereas the requested R-1 residential district only requires a minimum of 50 ft wide lots.

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for the construction of one single-family dwelling unit on 0.16-gross acre.

The immediate area is developed with single-family residential dwelling units zoned R-1A, and R-2, on varying lot sizes ranging from 50 feet to 100 feet in width. There are also commercial C-3 uses within the immediate area. The southern adjacent parcel zone R-2 restricted was rezoned in 2002, the restriction is to allow only detached single-family residences.

This development of one (1) single-family dwelling unit will be reliant on septic. No gravity wastewater mains are located in the vicinity of the subject property.

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

Rural Settlement

The subject property is not located in the Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Medium Density Residential which allows for consideration of up to ten (10) units per acre. The proposed R-1 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:

FLU1.4.2 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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

SITE DATA

Existing Use	undeveloped
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1 Restricted (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-2 (Residential District) (2002)
Adjacent Land Uses	N: Undeveloped E: Undeveloped W: Duplex S: Single Family Residence

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

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

Building Setbacks*

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

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Staff Comments

Environmental

Enhanced Septic/Sewer Requirement - This site is located within the Lake Okeechobee Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Transportation / Access

A single-family residence is a de minimis impact on the roadways.

Schools

One single-family residence is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37,

Wastewater: Wastewater is considered not available. Development on this property will be reliant on advanced septic tank for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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 for the hearing and agreed with the staff's recommendation. No speakers were present to speak on the during public comment.

Staff indicated that one hundred forty-two (142) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

After discussion regarding the reliance on septic tank for wastewater disposal, a motion was made by Commissioner Evans, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 5-0 vote.


Motion / Second	<i>Camille Evans / George Wiggins</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-12-097

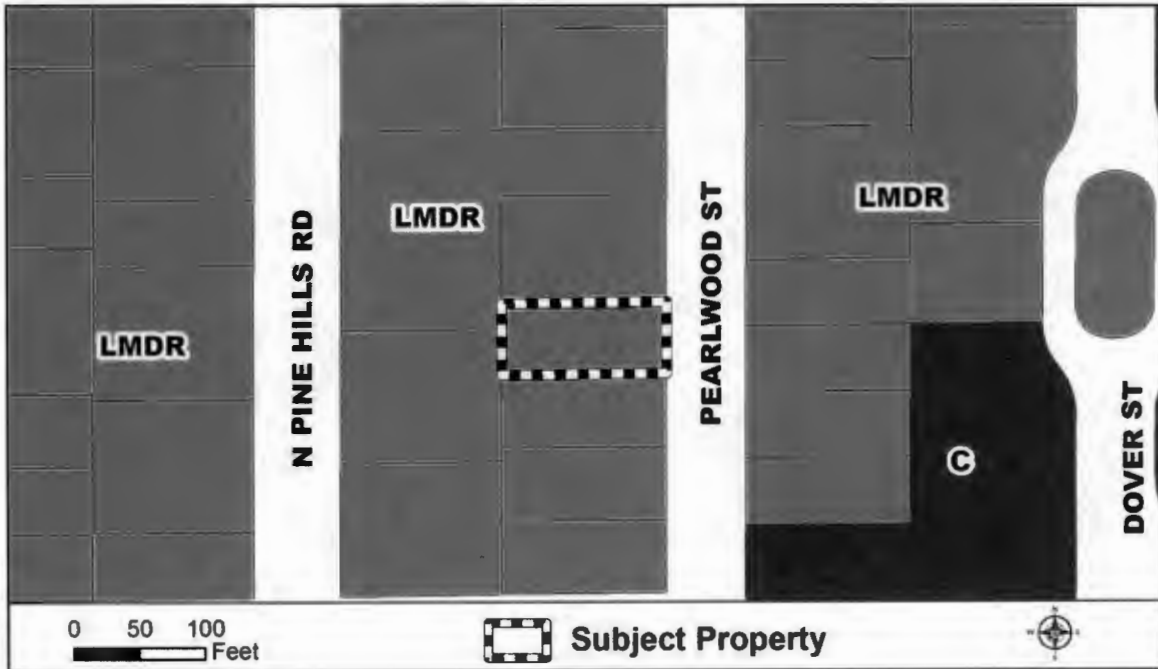


 Subject Property



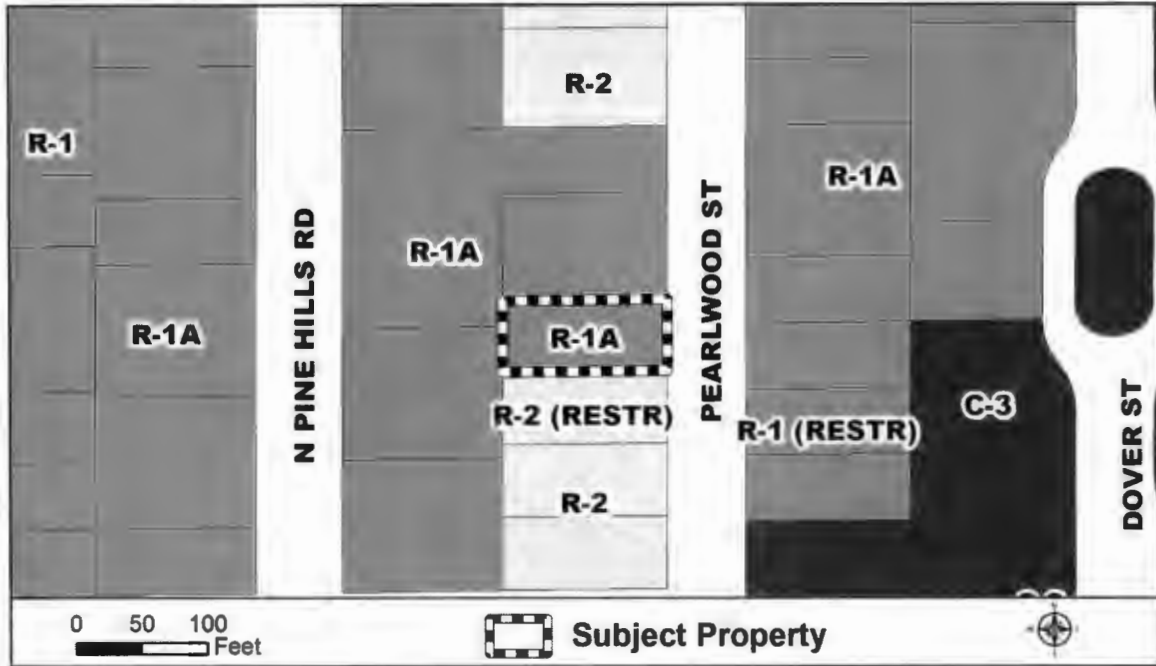
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FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



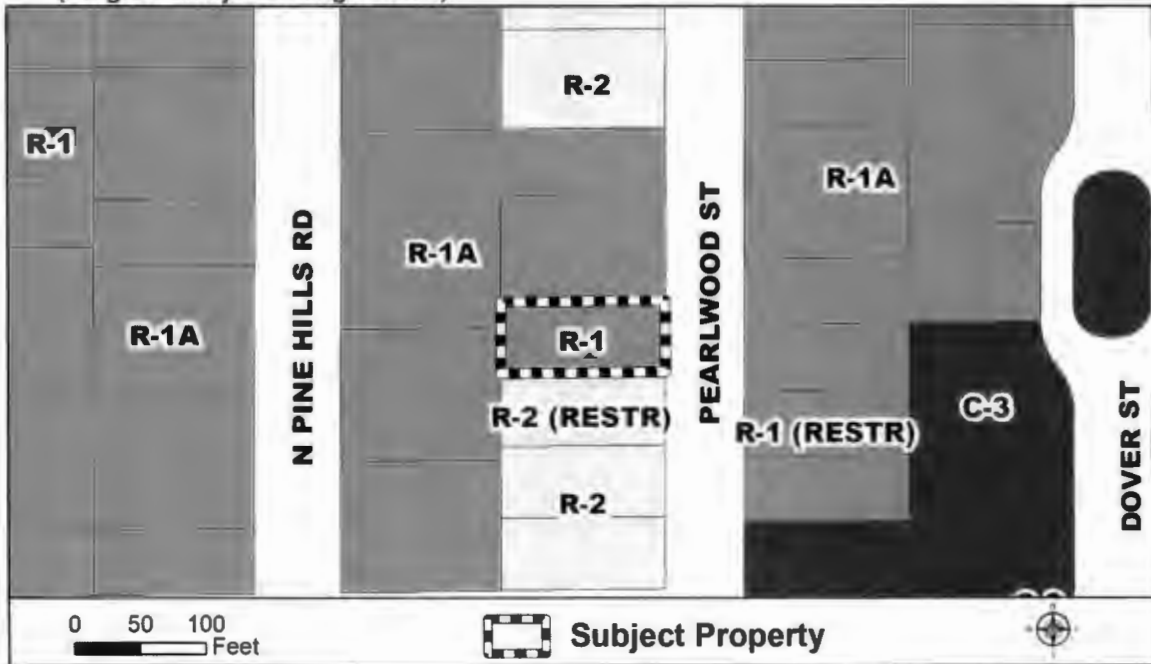
ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

R-1 (Single-Family Dwelling District)





Public Notification Map

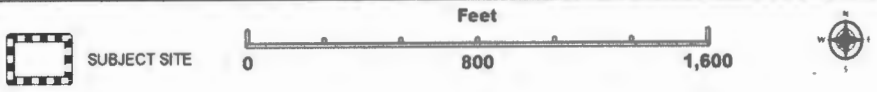
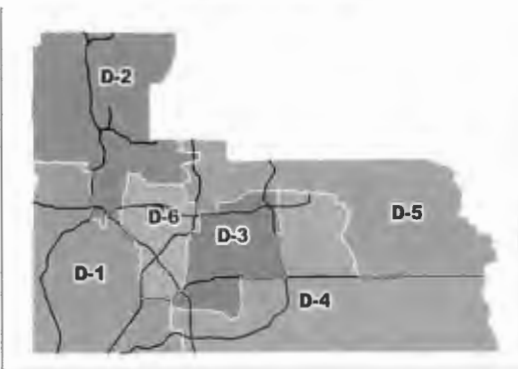
RZ-23-12-097



MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	500 FT BUFFER		COURTESY PARCELS
	HYDROLOGY		
	PARCELS		

BUFFER DISTANCE: 500
OF NOTICES: 142



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NOTIFICATION MAP

Case # RZ-23-12-097
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-23-12-103

Commission District: #3

GENERAL INFORMATION

APPLICANT: Michael D. Harding, P.E.

OWNERS: Clifford A Kennedy, Betty J Kennedy

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
I-1 / I-5 (Industrial District - Light)

LOCATION: 5295 Patch Road; generally east of Parch Rd, south of Seminole Ave.

PARCEL ID NUMBER: 14-23-30-5240-09-080

SIZE/ ACREAGE: 0.51-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 1,200 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Fifty-six (56) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: I-1/I-5 uses

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Through this request, the applicant is seeking to rezone the subject property to I-1/I-5 (Industrial District-Light) to use the property for industrial uses. The Future Land Use Map (FLUM) establishes an Industrial corridor along Patch Road and the surrounding area. Since the adoption of the FLUM, the majority of the properties within this area have rezoned to light and general industrial zoning districts. The subject property is located in a remnant enclave of A-2 (Farmland Rural District) zoning that is inconsistent with the underlying Industrial (IND) Future Land Use. Existing development along Patch Road does not connect to Corporate Center Boulevard.

Land Use Compatibility

The I-1 / I-5 (Industrial District-Light) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located in Airport Noise Zone C, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07). Any required noise mitigation will be required at the time of permitting.

Code Enforcement

No cases Found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-1 / I-5 (Industrial District-Light) zoning is consistent with the Industrial (IND) 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: I-1 / I-5 Restricted (Industrial Light District) 2018 E: I-1 / I-5 Restricted (Industrial Light District) 2018 W: I-1 / I-5 (Industrial Light District) 2018 S: I-1 / I-5 (Industrial Light District) 1990
Adjacent Land Uses	N: Vacant Industrial E: Vacant Industrial W: Industrial S: Office

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

I-1/I-5 (INDUSTRIAL DISTRICT-LIGHT) DEVELOPMENT STANDARDS	
Floor Area Ratio:	≤0.75
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district)
Building Setbacks	
Front:	35 ft.
Rear:	25 ft.
Side:	25 ft.

Intent, Purpose, and Uses

The I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial 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. Permitted uses include, but are not limited to, religious

institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc

SPECIAL INFORMATION

Staff Comments

Environmental

Existing Septic and Well - If any existing septic tanks or wells are in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Habitat Protection - 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).

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/22/2023, there are multiple failing roadway segments within the project's impact area along Goldenrod, from Narcoossee Rd to Pershing Ave and along Semoran Blvd, from Hoffner Ave to Pershing Ave. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office will be required.

Schools

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

No comment.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented with the recommendation that the PZC make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-1 / I-5 (Industrial District-Light) zoning. The applicant was present and agreed with the staff recommendation. There were two speakers during public comment, commenting in support of the rezoning.

Staff indicated that fifty-six (56) notices were mailed to those property owners in the mailing area extending 1200 feet of the surrounding property, and that staff received zero commentaries regarding this request.

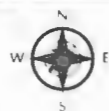
After discussion addressing the restrictions on adjacent properties, a motion was made by Commissioner Cardenas and seconded by Commissioner Boers to recommend approval of the requested I-1 / I-5 (Industrial District-Light) zoning. The motion carried on a 5-0 vote.

Motion / Second	<i>Evelyn Cardenas / David Boers</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-12-103

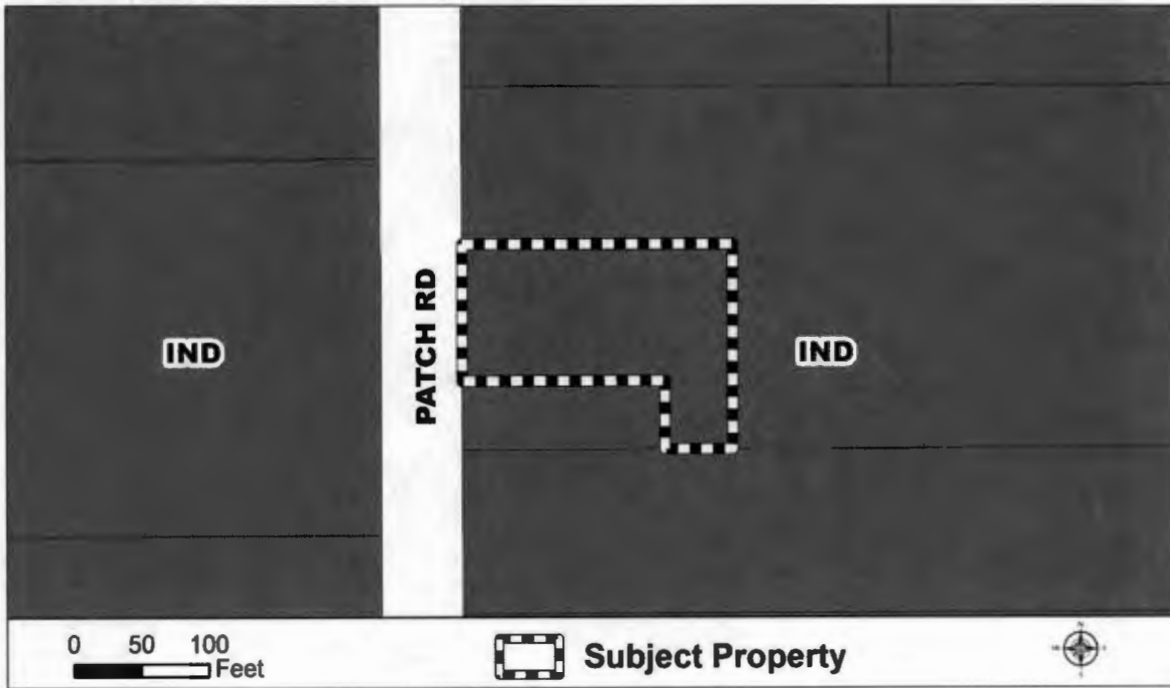


 Subject Property

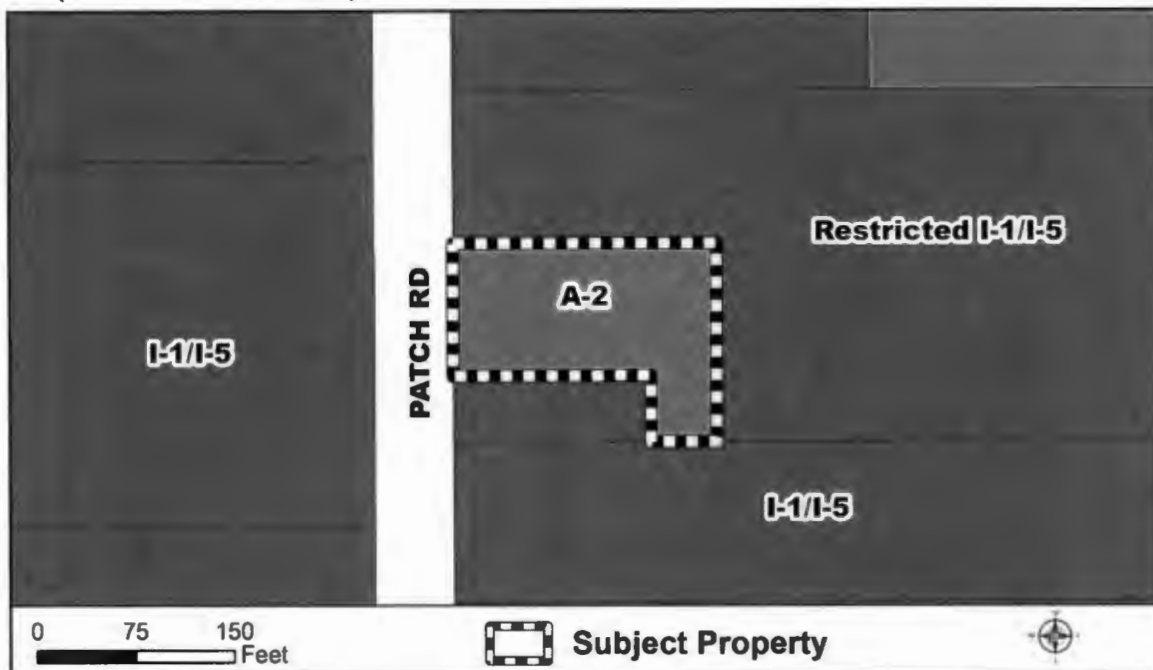


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Feet

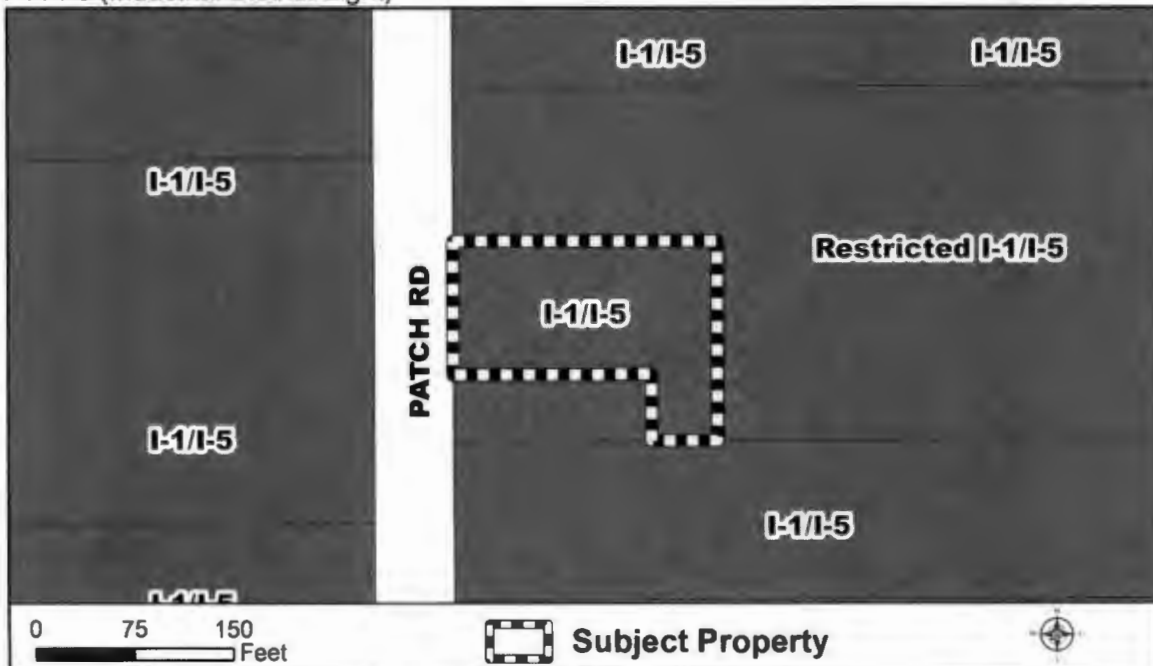
FUTURE LAND USE – CURRENT
Industrial (IND)



ZONING – CURRENT
A-2 (Farmland Rural District)



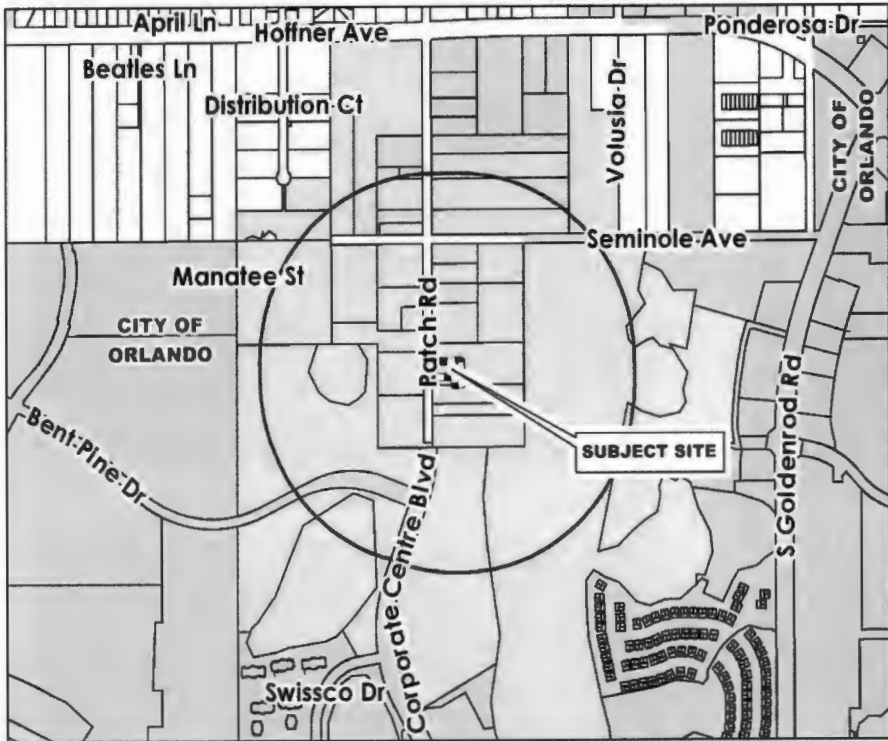
ZONING – PROPOSED
I-1 / I-5 (Industrial District-Light)





Public Notification Map

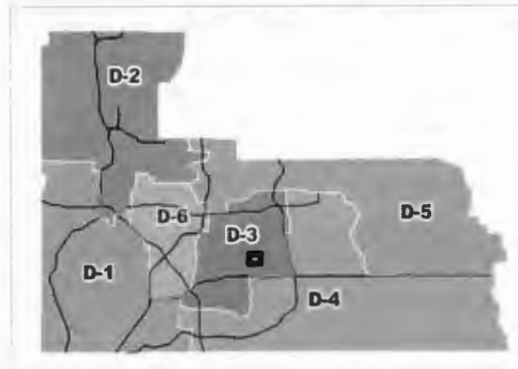
RZ-23-12-103



MAP LEGEND

- SUBJECT SITE
- 1200 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 1200
OF NOTICES: 96



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NOTIFICATION MAP

Case # RZ-23-12-103
Orange County Planning Division
PZC Hearing Date: December 21, 2023

Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-23-12-105

Commission District: #3

GENERAL INFORMATION

APPLICANT: Mr. Peter Duke

OWNERS: Eralio L Alfonso

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District),
R-2 Restricted (Residential District) **to**
R-1A (Single-Family Dwelling District)

LOCATION: 8328 Curry Ford Road; generally located south of Curry Ford Rd, west of S. Chickasaw Trl, east of Los Amigos Dr.

PARCEL ID NUMBER: 12-23-30-0000-00-053

SIZE/ ACREAGE: 2.259 - gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Sixty-two (62) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Two (2) Single-Family homes

STAFF RECOMMENDATION

PLANNING

Postpone to a future Planning and Zoning Commission hearing so that the Conservation Area Determination can be completed. (No action needed)

CASE # RZ-23-12-106

Commission District: #2

GENERAL INFORMATION

APPLICANT: Simone M. Lowman

OWNER: Simone M. Lowman

HEARING TYPE: Planning and Zoning Commission

REQUEST: A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)

LOCATION: 1631 Clarcona Road; generally located south of Cleveland St, east of Clarcona Rd and west of Old Apopka Rd.

PARCEL ID NUMBERS: 22-21-28-0000-00-010 and 22-21-28-0000-00-011

SIZE/ ACREAGE: 1.96 gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-seven (127) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Four (4) 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 subject property from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) in order to allow four (4) single-family dwelling units on 1.96-gross acres.

The subject property was not platted and is located inside of the Urban Service Area. The subject property measures 100 feet in width from Clarcona Rd and 125 ft from Old Apopka Rd. The lot size is 85,714sq. ft.

The property is currently undeveloped. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 100 feet in width. The surrounding area is predominantly zoned A-1, R-1A and R-1 which require a minimum of 100, 75 and 50 foot lot width, respectively.

The current zoning district of A-2 requires 100 ft wide lots whereas the requested R-1 district only requires 50 ft wide lots. The subject property has a Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows for consideration of up to four (4) units per one (1) net developable acre.

A rezoning is required to do a lot split and make FLUM designation consistent with the zoning.

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is LDR (Low Density Residential). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR (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.

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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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 Residential
Adjacent Zoning	N: A-1 (Citrus Rural District) 1957 E: A-1 (Citrus Rural District) 1957 W: A-1 (Citrus Rural District) 1957 S: A-1 (Citrus Rural District) 1957
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential 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.

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

Environmental

Wekiva Study Area - 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 apply. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.

Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa Springs & Rock Springs, and the Wekiva River, Rock Springs Run, & Little Wekiva Canal Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Lot Size Requirement for Septic Systems - Residential lots shall be configured to accommodate requirements of the Individual On-Site Sewage Disposal Systems (OSDS) Ordinance regarding setbacks, lot size, soils, distance to potable water supply wells, and elevations. Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal, Section 37-538 and Section 37-539.

Waste Management Facility Proximity - This site could be adversely impacted by existing waste management activities from the City of Apopka Water Treatment Plant located ~120 feet east of the site and solid waste management activities from the Waste Management Vista Landfill ~ 1 mile to the southwest of the site. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

Gopher Tortoise Burrowing Suitability - This site has soil that is suitable for gopher tortoise habitat. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species. The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the USFWS and the FWC.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/22/2023, there is a failing roadway segment within the project's impact area along Clarcona Rd, from Gilliam Rd to Keene Rd. This information is dated and subject to change. Four single-family residences are a de minimis impact on the roadways.

Schools

Four homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within City of Apopka Water, Wastewater and Reclaimed Water Service Area.

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 – December 21, 2023

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 with the recommendation that the PZC 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. There were no speakers during public comment.

Staff indicated that one hundred twenty-seven (127) notices were mailed to those property owners in the mailing area extending 500 feet of the surrounding property, and that staff received zero commentaries regarding this request.

After discussion addressing how the property would be split, a motion was made by Commissioner Wiggins and seconded by Commissioner Evans to recommend approval of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 5-0 vote.

Motion / Second	<i>George Wiggins / Camille Evans</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-12-106

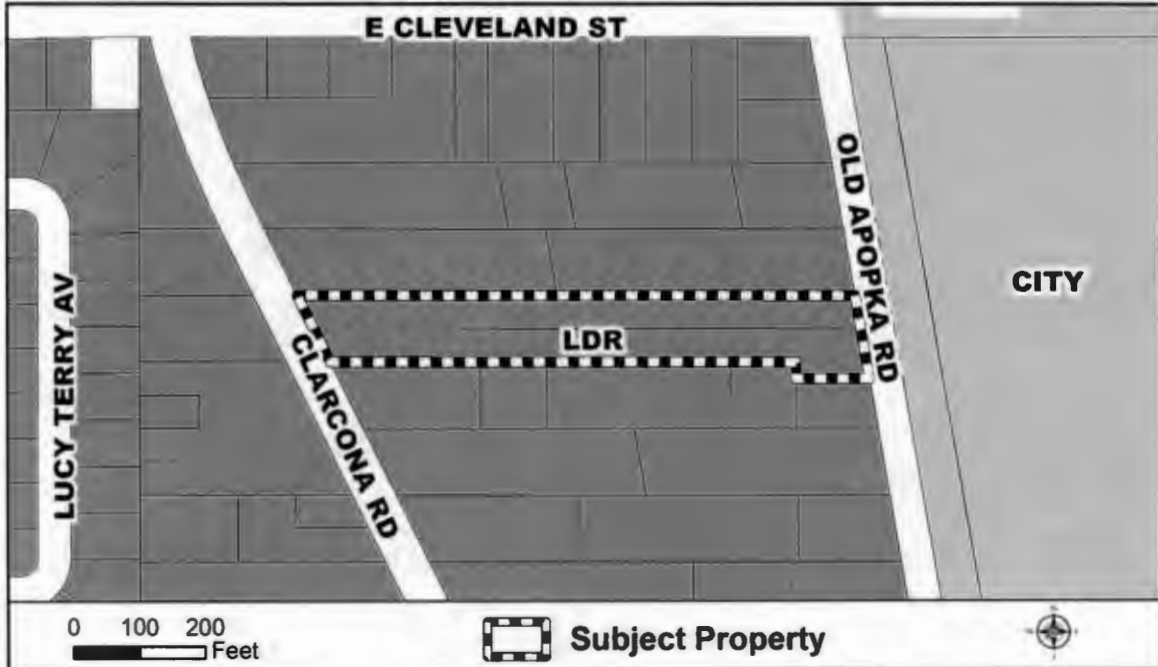


 Subject Property

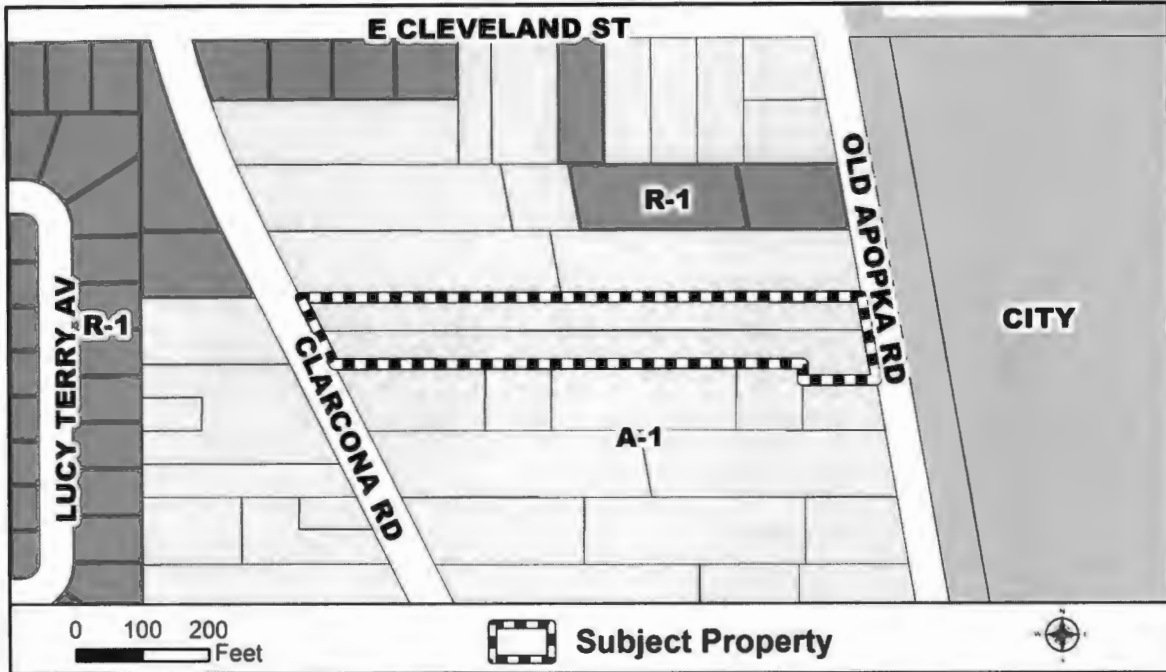


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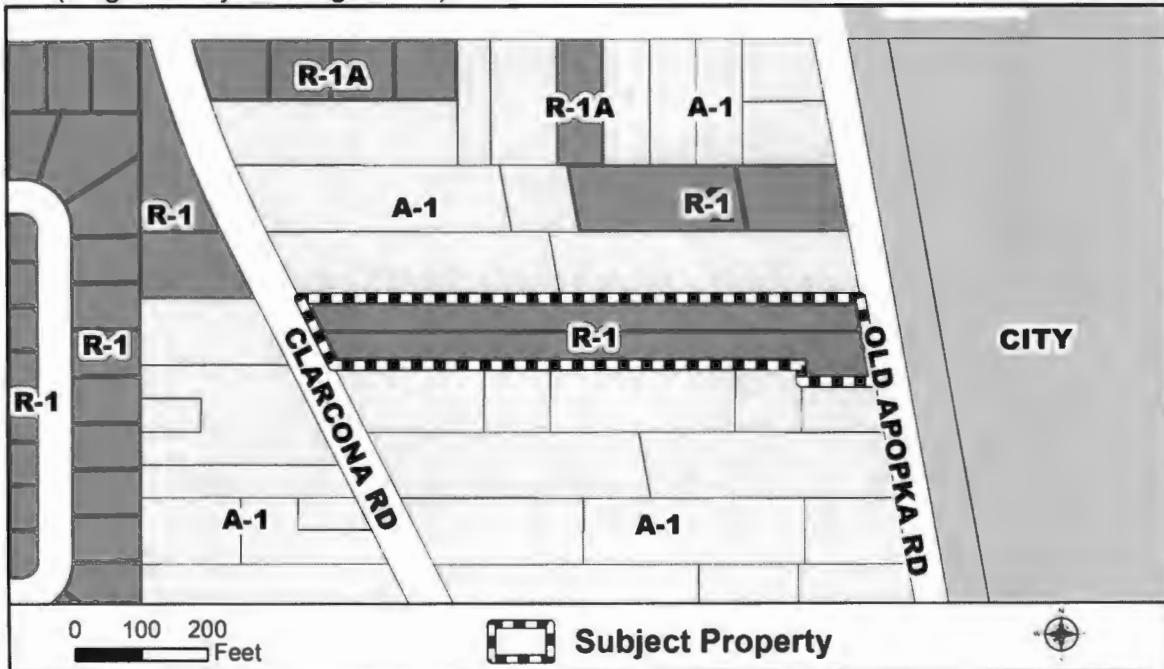
FUTURE LAND USE – CURRENT
LDR (Low Density Residential)



ZONING – CURRENT
A-1 (Citrus Rural District)



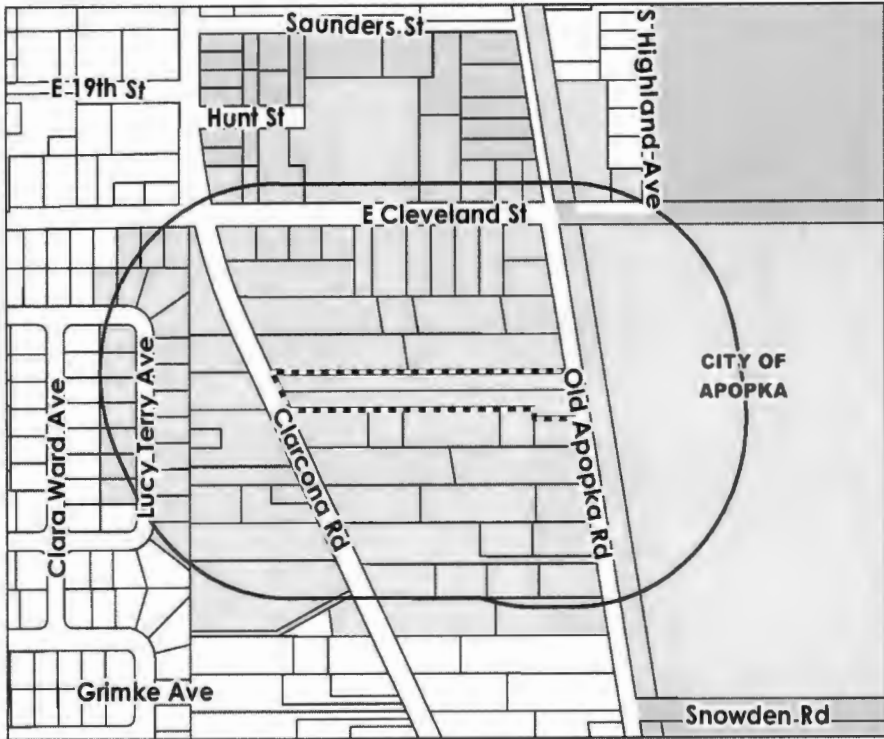
ZONING – PROPOSED
R-1 (Single-Family Dwelling District)





Public Notification Map

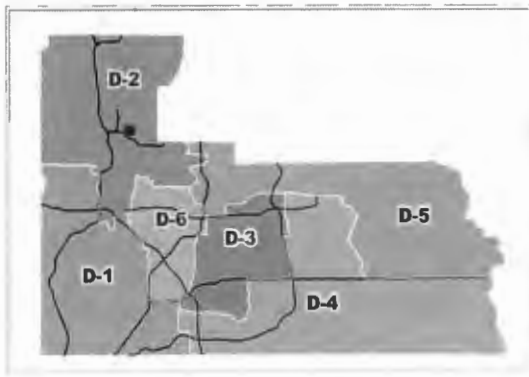
RZ-23-12-106



MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	500FT BUFFER		COURTESY PARCELS
	1 MILE BUFFER		HYDROLOGY
	PARCELS		

BUFFER DISTANCE: 500
OF NOTICES: 127



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NOTIFICATION MAP

Case # RZ-23-12-106
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-23-12-107

Commission District: #4

GENERAL INFORMATION

APPLICANT: Jose Ferrer

OWNER: Jose Ferrer

HEARING TYPE: Planning and Zoning Commission

REQUEST: **A-2** (Farmland Rural District) **to**
R-1A Restricted (Single-Family Dwelling District)

LOCATION: 14075 Thamhall Way; generally north of Thamhall Way, east of Hancock Lone Palm Rd.

PARCEL ID NUMBER: 24-22-31-0000-00-040

SIZE/ ACREAGE: 1.08 gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Fifty-three (53) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Two (2) Single-Family Homes (pending lot split approval).

STAFF RECOMMENDATION

PLANNING

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

- 1) Development shall be limited to two single-family detached dwelling units.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-1A Restricted (Single-Family Dwelling District) in order to allow two (2) single-family dwelling units on 1.08-gross acres.

The subject property was not platted and is located inside of the Urban Service Area. The subject property measures 225 feet in width and 47,259 sq. ft. in lot size.

The property is currently developed with one single-family home. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 220 feet in width. The surrounding area is predominantly zoned A-2, R-2 and P-D which requires a minimum of 75 and 45 foot lot width for A-2 and R-2, and varies for P-D.

The current zoning district of A-2 requires 100 ft wide lots whereas the requested R-1A district only requires 75 ft wide lots. The subject property has a Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) which allows for consideration of up to ten (10) units per one (1) net developable acre. The proposed restriction would limit development to two homes.

A rezoning is required to do a lot split and make the zoning consistent with the FLUM designation.

Land Use Compatibility

The R-1A Restricted (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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases Found.

Comprehensive Plan (CP) Consistency

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

FLU1.4.2 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: A-2 (Farmland Rural District) 1957 E: A-2 (Farmland Rural District) 1957 W: A-2 (Farmland Rural District) 1957 S: A-2 (Farmland Rural District) 1957
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

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

Min. Lot Area: 7,500 sq. ft.
Min. Lot Width: 75 ft.
Max. Height: 35 ft.
Min. Floor Area: 1,200 sq. ft.

Building Setbacks

Front: 20 ft.
Rear: 25 ft.
Side: 7.5 ft.

Intent, Purpose, and Uses

The R-1A (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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

Environmental

Existing Septic and Well - 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Econ River Ordinance - This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference OC Code Chapter 15, Article XI Econlockhatchee River Protection.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/22/2023, there are multiple failing roadway segments within the project's impact area along Colonial Dr (E), from Woodbury Rd to S. Tanner Rd (3 segment(s)). This information is dated and subject to change. Two single-family residences are a de minimis impact on the roadways.

Schools

Two homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Water: There are no watermains in the vicinity of this property. Development on this property will be reliant on wells for potable water.

Wastewater: Wastewater is considered not available. Development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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

- 1) Development shall be limited to two single-family detached dwelling units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented with the recommendation that the PZC make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1A Restricted (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. There were no speakers during public comment.

Staff indicated that fifty-three (53) notices were mailed to those property owners in the mailing area extending 500 feet of the surrounding property, and that staff received zero commentaries regarding this request.

After discussion addressing the reliance on septic tanks for wastewater disposal, a motion was made by Commissioner Evans, and seconded by Commissioner Cardenas to recommend approval of the requested R-1A Restricted (Single-Family Dwelling District) zoning with one restriction. The motion carried on a 5-0 vote.

Motion / Second	<i>Camille Evans / Evelyn Cardenas</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-12-107

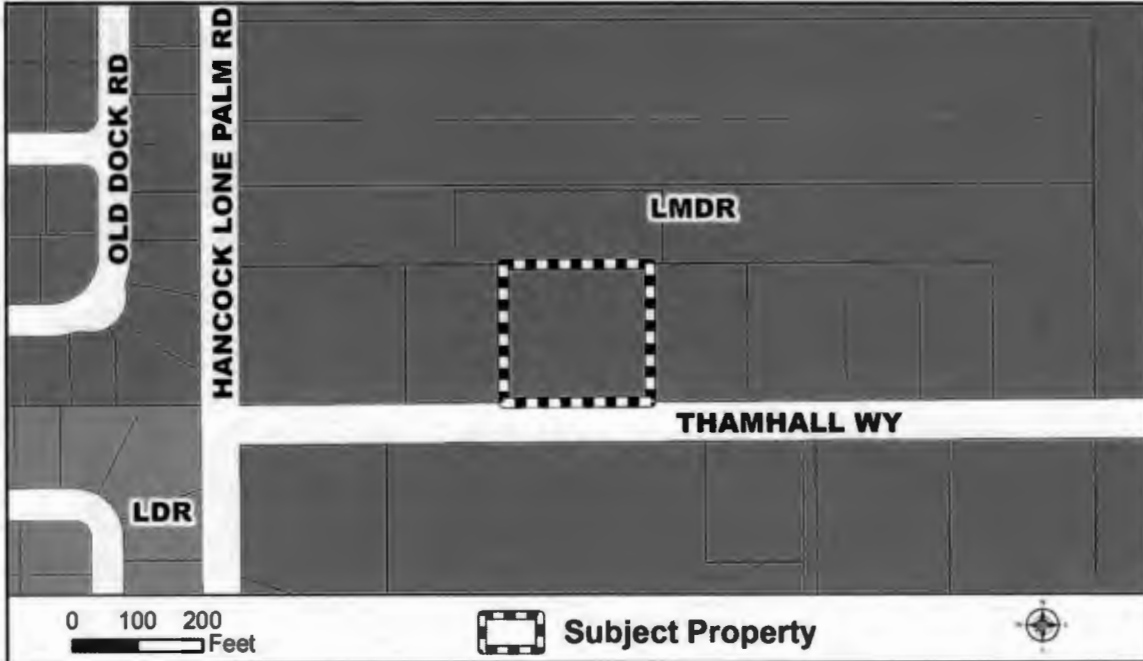


 Subject Property



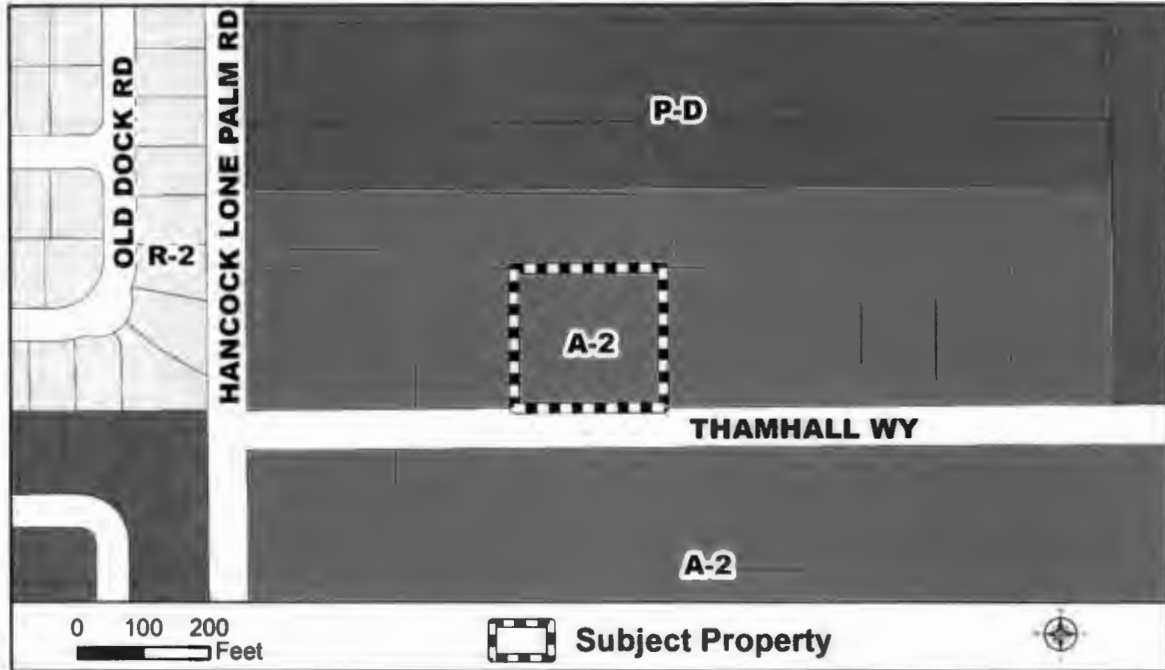
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FUTURE LAND USE – CURRENT
LMDR (Low-Medium Density Residential)



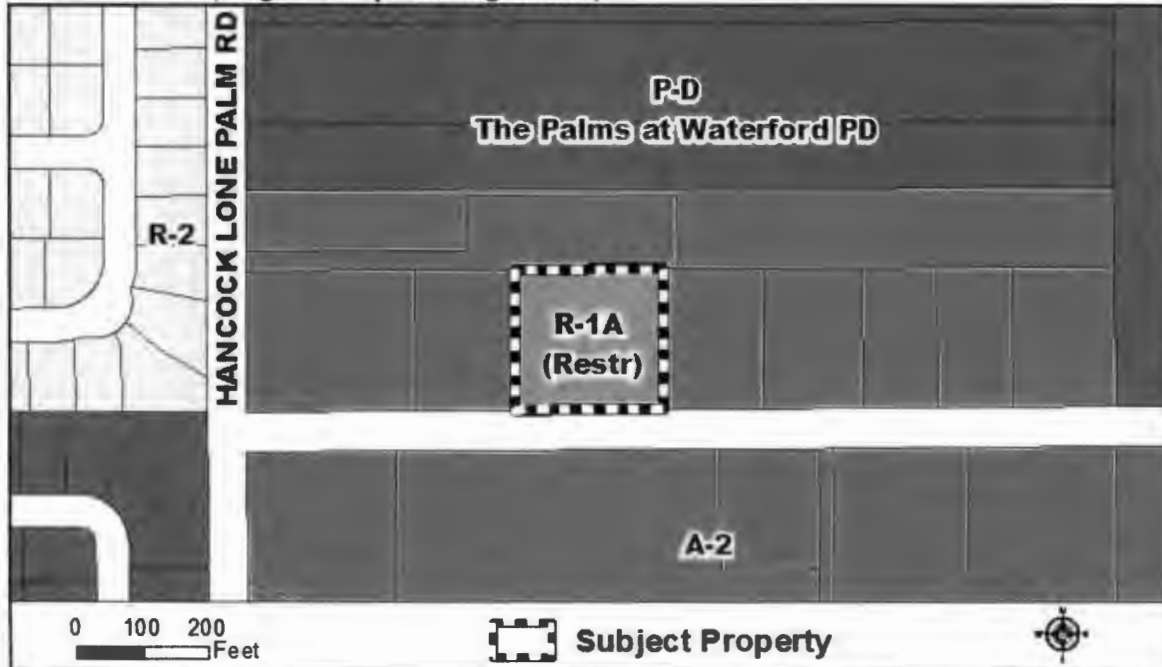
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

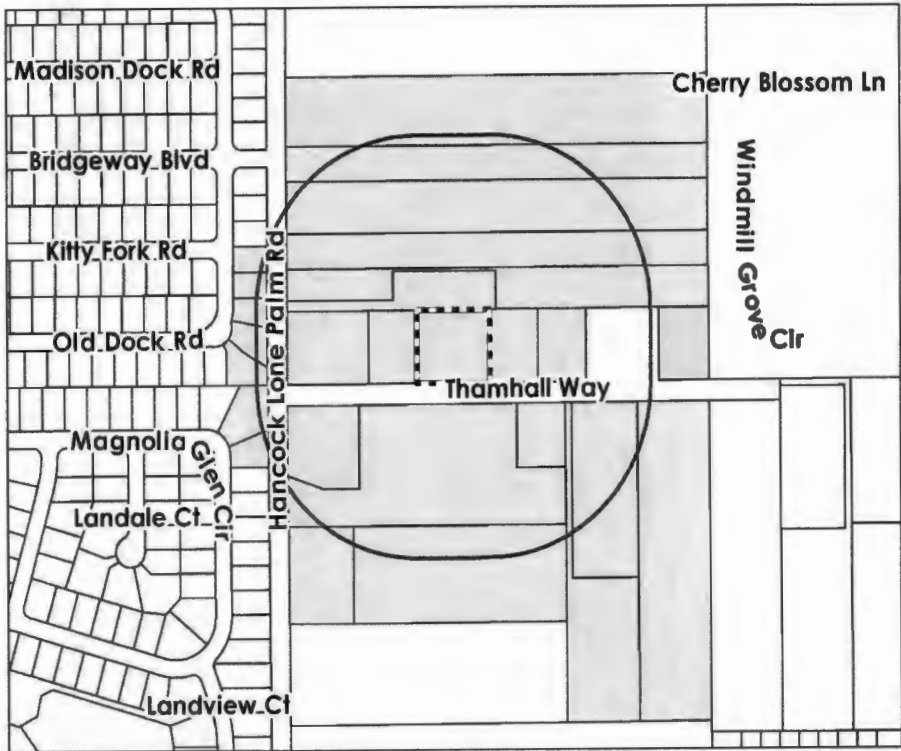
R-1A Restricted (Single-Family Dwelling District)



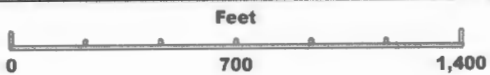


Public Notification Map

RZ-23-12-107



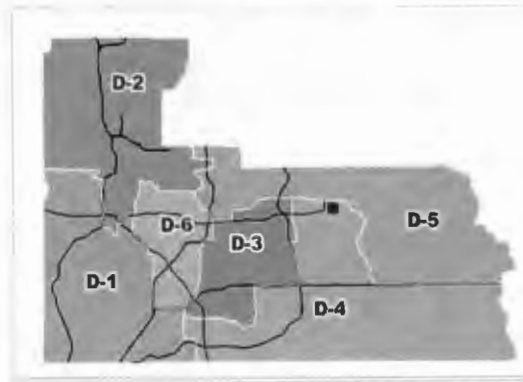
SUBJECT SITE



MAP LEGEND

- SUBJECT SITE
- 500FT BUFFER
- 1 MILE BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 53



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NOTIFICATION MAP

Case # RZ-23-12-107
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-23-12-110

Commission District: #3

GENERAL INFORMATION

APPLICANT: Lesly Hajar, Flobella Realty

OWNER: Emburo Investments, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: C-1 (Retail Commercial District) to
C-2 Restricted (General Commercial District)

LOCATION: 6025 S. Orange Blossom Trl.; generally located south of W. Oak Ridge Rd, east of S. Rio Grande Ave, approximately 150 feet north of Doss Ave

PARCEL ID NUMBER: 22-23-29-8154-00-060

SIZE/ ACREAGE: 0.46-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 650 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-four (94) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: C-2 uses, specifically outside storage of recreational vehicles

STAFF RECOMMENDATION

PLANNING

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

1. New billboards and pole signs shall be prohibited; and
2. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of C-2 uses.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is requesting to rezone the subject property from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) to allow for

the operation of a motorsports dealership that will offer a range of products such as ATVs, Jet skis, dirt bikes, etc.,. The use is permitted under OC Code 38-79 uses table SIC Group 5571 subject to condition 138.

The 20,015 sq. ft. (0.46-gross acre) property is currently developed with one structure; the existing use is auto repair. The surrounding area is developed with mixed uses including commercial uses zoned C-1 and C-2, and there are some single-family attached and detached homes in the area along with industrial I-2/I-3 uses. The request appears to be compatible with the surrounding area.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located in the Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is located in the Orange Blossom Trail Overlay District.

Airport Noise Zone

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

Code Enforcement

No Cases Found

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 Restricted 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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	Auto Repair
Adjacent Zoning	N: C-1(Retail Commercial District (1957)) E: C-1(Retail Commercial District (1957)) W: C-1(Retail Commercial District (1957)) S: C-1(Retail Commercial District (1957))
Adjacent Land Uses	N: Retail Restaurant E: Commercial use W: Oil change shop S: Retail pawn shop

C-2 (General Commercial District) Development Standards

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

Rear: 15 ft. (20 ft. when abutting residential)
Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Staff Comments

Environmental

Demolition - 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 or AsbestosInquiriesOrangeCounty@ocfl.net. Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the AMOCO #185 located within 500 feet to the north. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/16/2023, capacity exists within the project's impact area. This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office will be required.

Schools

The applicant is proposing to utilize the property for commercial purposes. Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: OUC

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orlando Utilities Commission Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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

1. New billboards and pole signs shall be prohibited; and
2. The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of C-2 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning subject to two restrictions. The applicant was not present. There were no speakers present to speak during public comment.

Staff indicated that ninety-four (94) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

There was no discussion from the PZC members regarding the request. A motion was made by Commissioner Wiggins, and seconded by Commissioner Evans to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning subject to two restrictions as presented. The motion carried on a 5-0 vote.

Motion / Second	<i>George Wiggins / Camille Evans</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

RZ-23-12-110

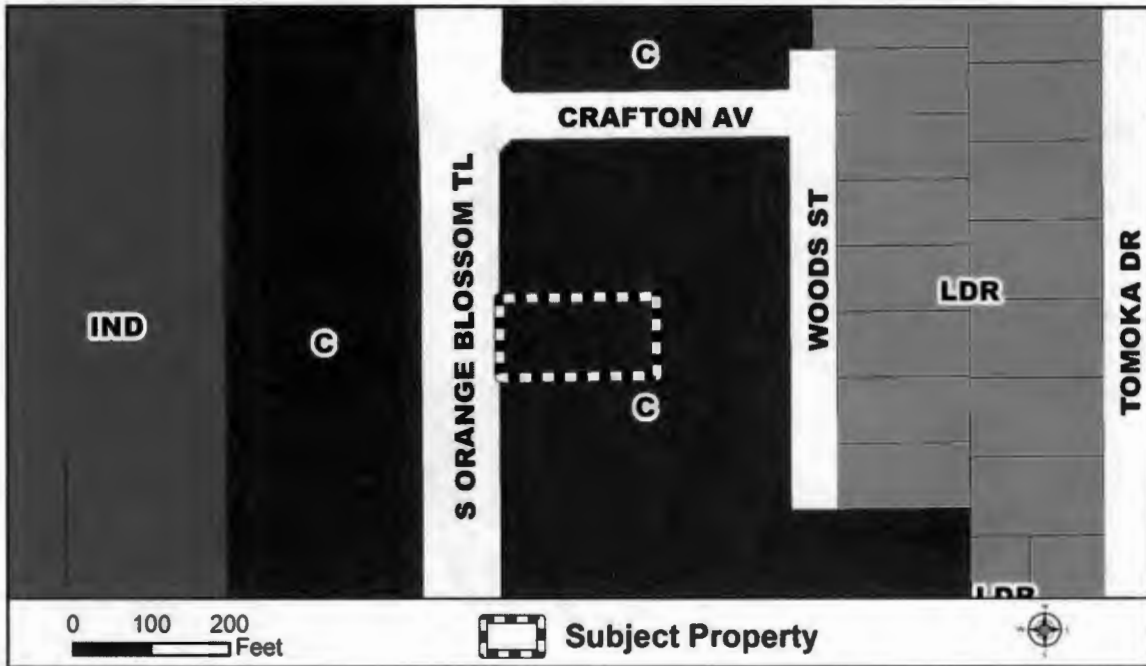


 Subject Property



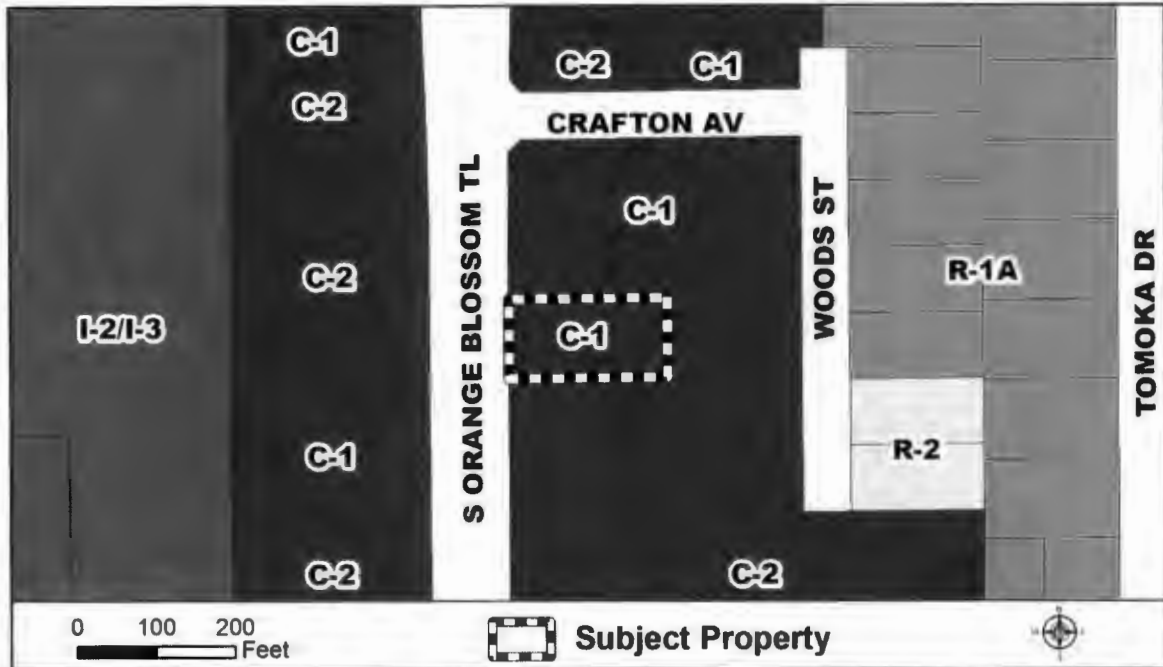
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FUTURE LAND USE – CURRENT
Commercial (C)



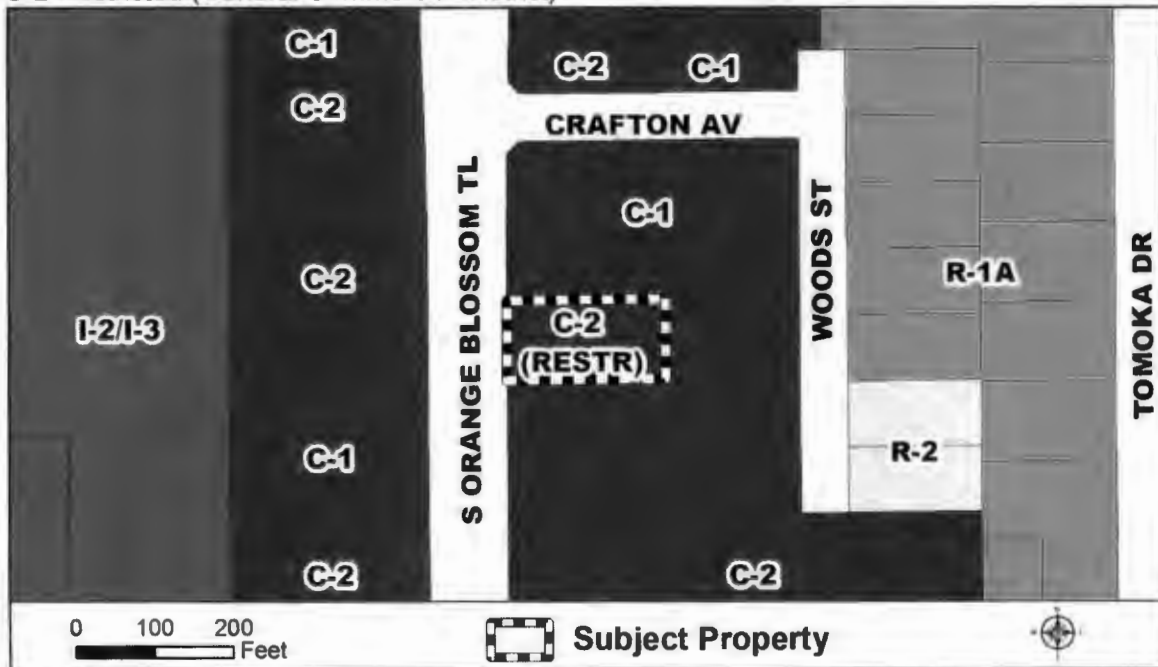
ZONING – CURRENT

C-1 (Retail Commercial District)



ZONING – PROPOSED

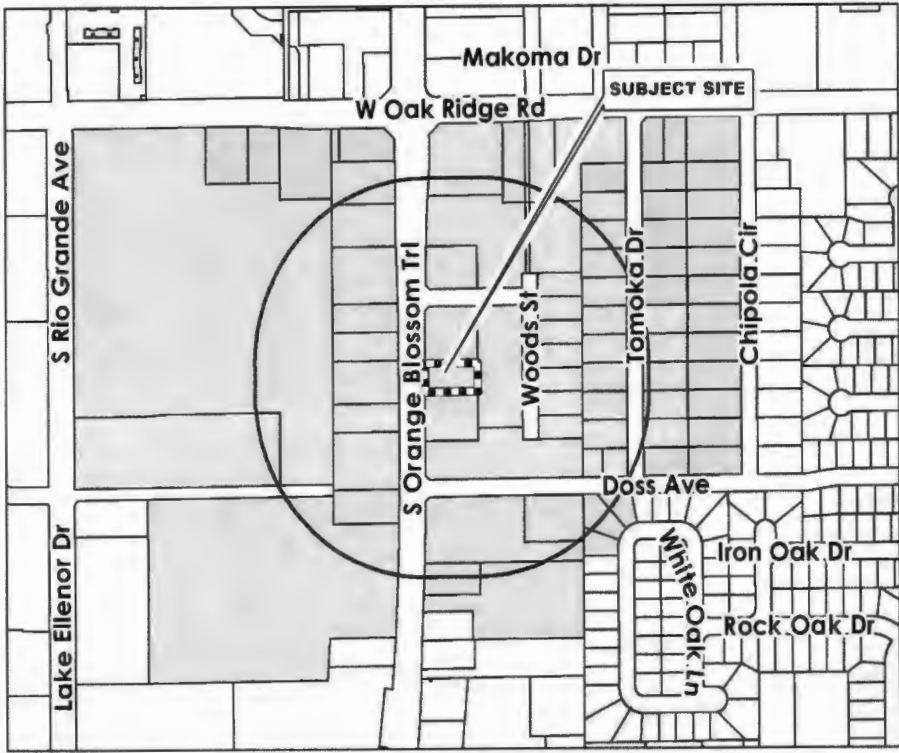
C-2 Restricted (General Commercial District)





Public Notification Map

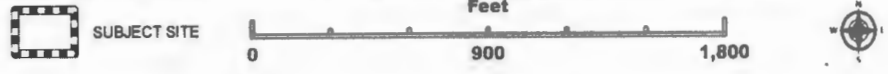
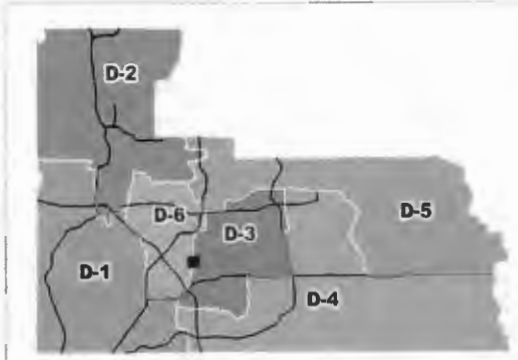
RZ-23-12-110



MAP LEGEND

- SUBJECT SITE
- 650 FT BUFFER
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 650
OF NOTICES: 94



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NOTIFICATION MAP

Case # RZ-23-12-110
Orange County Planning Division
PZC Hearing Date: December 21, 2023

CASE # RZ-24-01-111

Commission District: #5

GENERAL INFORMATION

APPLICANT: Eric Biernacki, BNACK Investments

OWNER: BNACK Investments, LLC

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 1113 Naples Drive; generally located north of W. Fairbanks,
west of Adanson Street, and south of Lee Road

PARCEL ID NUMBER: 03-22-29-8476-04-370

SIZE/ ACREAGE: 0.30-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet
[Chapter 30-40(c)(3a) of the Orange County Code requires 300
feet]. One hundred forty-seven (147) notices were mailed to
those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Two Single-Family Dwelling Units, pending lot split approval

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

The subject property was platted as part of the Sunshine Garden First Addition in 1925, as two 50 ft wide lots. Today the lots are aggregated and developed with one residential dwelling unit. The applicant has specified all structures will be demolished.

Through this request, the applicant is requesting to rezone the 12,851 sq ft (0.30-gross acre) property from R-1A to R-1 for the construction of two dwelling units pending lot split approval.

The immediate area can be characterized as fully developed with residential homes zoned R-1A and R-1 all on 50 ft wide lots. The R-1A zoning district requires 75 ft wide lots. The request will allow for development that is compatible with the surrounding area.

Per the City of Winter Park utilities this development will be reliant on well and septic for water and wastewater. Since the property is in the BMAP area, advanced septic will be required.

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No open cases.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR) which allows consideration for up to four (4) dwelling units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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	Residential
Adjacent Zoning	N: R-1 (Single -Family Dwelling District) (1957) E: R-1A (Single -Family Dwelling District) (1957) W: R-1 (Single -Family Dwelling District) (1957) S: R-1A (Single -Family Dwelling District) (1957)
Adjacent Land Uses	N: Single Family Residence E: Single Family Residence W: Single Family Residence S: Single Family Residence

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

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

Building Setbacks

Front:	20 feet
Rear:	20 feet
Side:	5 feet

Intent, Purpose, and Uses

The R-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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

Environmental

Wekiva Study Area - 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 apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Existing Septic and Well - 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Enhanced Septic/Sewer Requirement - This site is located within the Wekiva River/Rock Springs Run Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended. Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Demolition - 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 or AsbestosInquiriesOrangeCounty@ocfl.net. Reference OC Code Chapter 15

Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Two single-family homes is a de minimis impact.

Schools

Two single-family homes is a de minimis impact.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Winter Park

Wastewater: Winter Park

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within City of Winter Park Water and Wastewater Service Areas.

The property will be reliant on advanced septic for wastewater service.

This property is within Orange County Utilities Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37:

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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 for the hearing and agreed with the staff's recommendation. There were no speakers present during public comment.

Staff indicated that one hundred forty-seven (147) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and four (4) responses in opposition of the request stating the desire for only one home.

After confirmation of the requirement for advanced septic, a motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 5-0 vote.

Motion / Second	<i>Gordon Spears / George Wiggins</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>


RZ-24-01-111



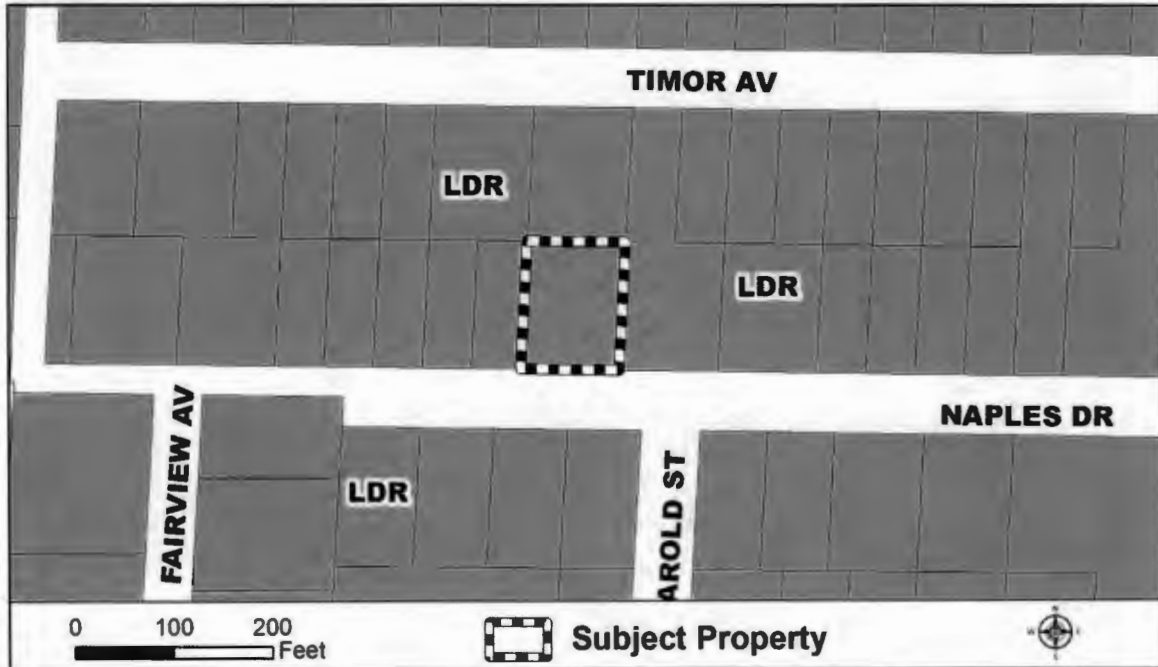
 Subject Property



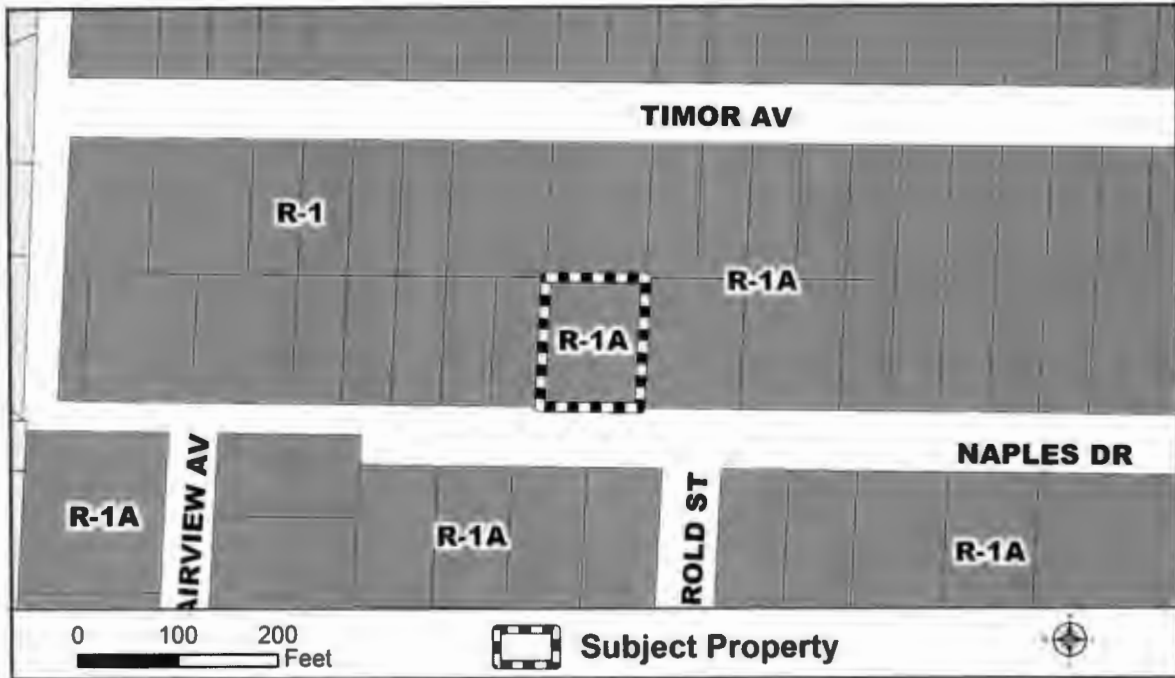
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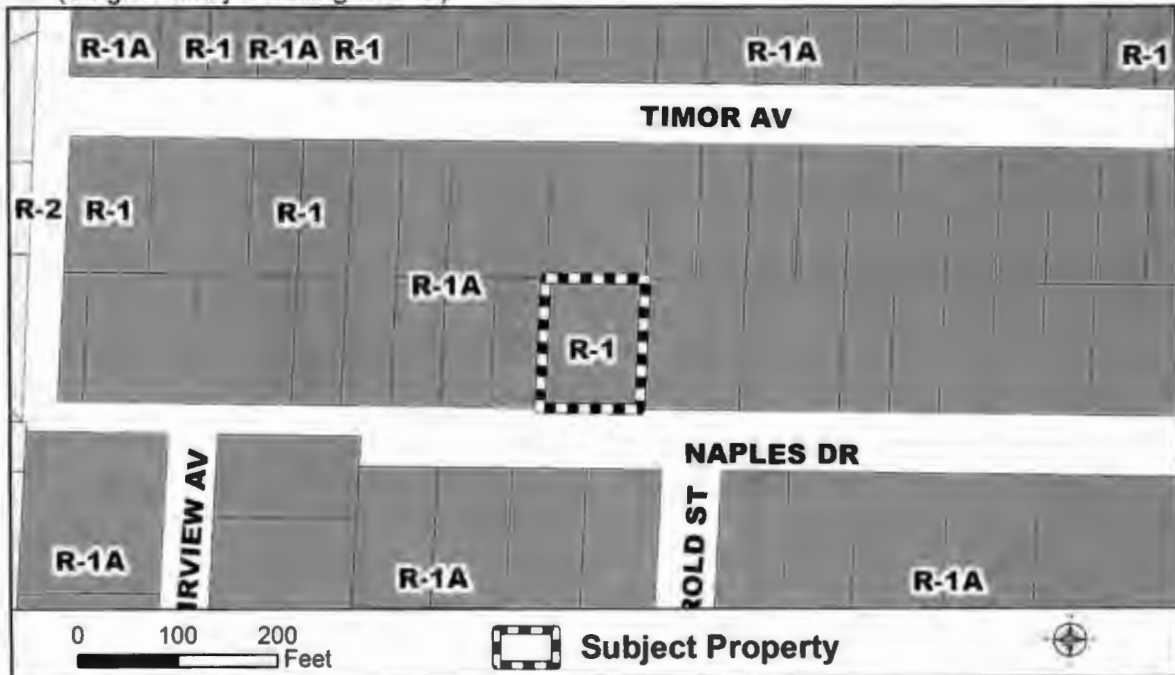
FUTURE LAND USE – CURRENT
Low Density Residential (LDR)



ZONING – CURRENT
R-1A (Single-Family Dwelling District)



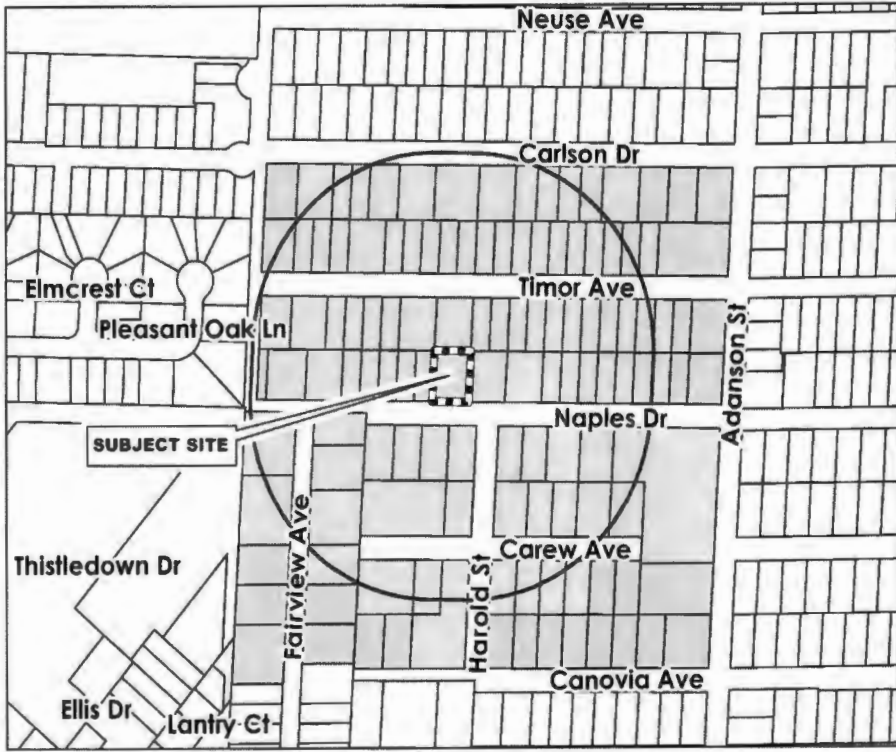
ZONING – PROPOSED
R-1 (Single-Family Dwelling District)





Public Notification Map

RZ-24-01-111



SUBJECT SITE



MAP LEGEND



SUBJECT SITE



COURTESY PARCELS



500 FT BUFFER

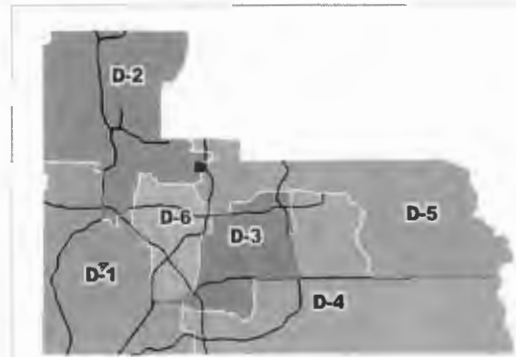


PARCELS



NOTIFIED PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 147



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NOTIFICATION MAP

Case # RZ-24-01-111
 Orange County Planning Division
 PZC Hearing Date: December 21, 2023

CASE # RZ-24-01-113

Commission District: #3

GENERAL INFORMATION

APPLICANT: Christian Alexis Betancour

OWNER: Pecorale E. Michael

HEARING TYPE: Planning and Zoning Commission

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

LOCATION: 9329 7th Ave; generally east of 7th Ave, south of 1st St, and north of 7th St.

PARCEL ID NUMBER: 01-24-29-8516-11-403

SIZE/ ACREAGE: 0.59-gross acre

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-nine (139) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Three (3) Single-Family Homes (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

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

1. Lot width shall be a minimum of 60 feet.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 Restricted (Single-Family Dwelling District) in order to allow three single-family dwelling units on 0.59-gross acre.

The subject property was originally platted as Lots 3, 4, 5 within Taft Prosper Colony and is located inside of the Urban Service Area. The subject property consists of three (3) platted lots, each measuring 60 feet in width and 7,200 sq. ft. in lot size and an additional 25 ft portion. The total width of the property currently is 205 feet. Staff is proposing a restriction to require 60 foot minimum lot width so the total number of homes would be limited to three homes, consistent with the applicant's request.

The plat for the Taft Prosper Colony subdivision was recorded in 1910. The property is currently developed with one single-family home. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 60 feet in width. The surrounding area is predominantly zoned R-1A and R-2 which requires a minimum of 75 and 45 foot lot width. Most of the lots in the area are 60 ft in width so staff is proposing a restriction for a minimum 60 ft lot width on the proposed lots.

The current zoning district of R-1A requires 75 ft wide lots whereas the requested R-1 district only requires 50 ft wide lots. The subject property has a Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) which allows for consideration of up to ten (10) units per one (1) net developable acre.

The rezoning is required to meet the minimum lot width requirements to allow for three (3) lots.

Land Use Compatibility

The R-1 Restricted (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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Code Enforcement

No cases found.

Comprehensive Plan (CP) Consistency

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

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

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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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

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

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-2 (Residential District) 1981 E: R-2 (Residential District) 1981 W: R-1A (Single-Family Dwelling District) 1957 S: R-1A (Single-Family Dwelling District) 1957
Adjacent Land Uses	N: Single-Family Residential

E: Single-Family Residential
W: Single-Family Residential
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.

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

Environmental

Existing Septic and Well - 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. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Enhanced Septic/Sewer Requirement - This site is located within the Okeechobee Basin Management Action Plan (BMAP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.006 (2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/22/2023, there are multiple failing roadway segments within the project's impact area. Boggy Creek Rd, from 4th Ave to Tradeport Dr and Taft-Vineland Rd, from General Dr to Orange Ave, are failing. This information is dated and subject to change. Three single-family residences are a de minimis impact on the roadways.

Schools

Three homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Area (Availability of services may vary)

Water: Taft Water Association

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within the Taft Water Association Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: Wastewater is considered not available. Development on this property will be reliant on advanced septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – December 21, 2023

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

1. Lot width shall be a minimum of 60 feet.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to one restriction. The applicant was present for the hearing and agreed with the staff's recommendation. No speakers were present to speak during public comment.

Staff indicated that one hundred thirty-nine (139) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor and two (2) responses in opposition of the request with concerns for incompatibility and concern for home values.

After brief discussion amongst the Commissioners regarding the requirement for advanced septic and Commissioner Spears expressing the desire to see a study to know whether advanced septic tanks are a cost impediment to development, a motion was made by Commissioner Evans, and seconded by Commissioner Cardenas to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to one restriction as presented. The motion carried on a 5-0 vote.

Motion / Second	<i>Camille Evans / Evelyn Cardenas</i>
Voting in Favor	<i>George Wiggins, Gordon Spears, Camille Evans, Evelyn Cardenas and David Boers</i>
Voting in Opposition	<i>None</i>
Absent	<i>Walter Pavon, Nelson Pena, Michael Arrington and Eddie Fernandez</i>

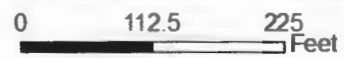
RZ-24-01-113



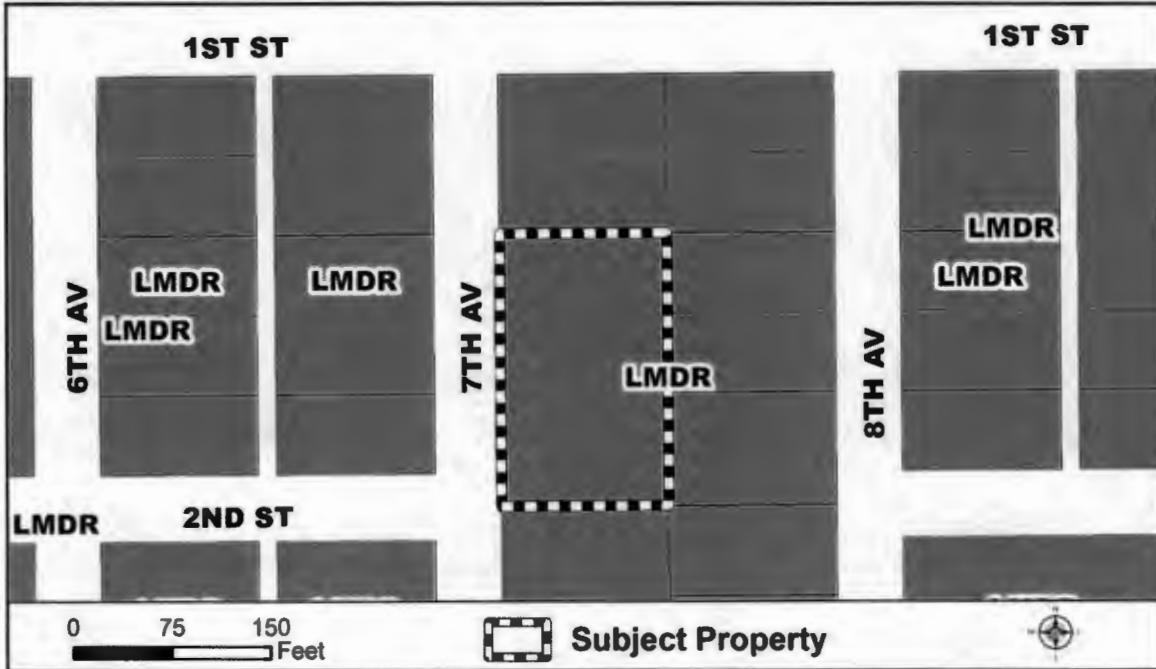
 Subject Property



0 112.5 225 Feet

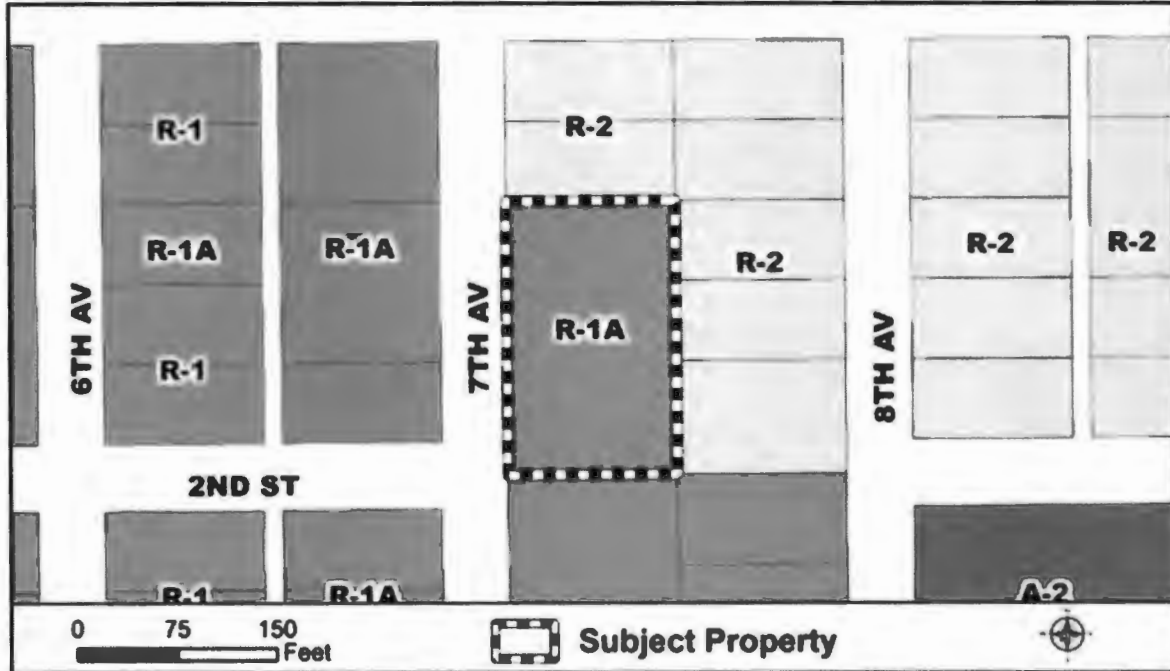


FUTURE LAND USE – CURRENT
LMDR (Low-Medium Density Residential)



ZONING – CURRENT

R-1A (Single-Family Dwelling District)



ZONING – PROPOSED

R-1 Restricted (Single-Family Dwelling District)

