



Interoffice Memorandum

DATE: June 10, 2022

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

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

CONTACT PERSON: **Jason H. Sorensen, AICP**
Chief Planner
Orange County Planning Division
(407) 836-5602

SUBJECT: June 21, 2022 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Jonathan Dorman, Colonial Storage Associates LLC
Case # RZ-22-03-015 / District 5

This is a Board-called rezoning hearing in which the applicant is seeking to rezone the northern 2.26 acres of the overall 3.68 gross acre property located at 14545 E. Colonial Drive from A-2 (Farmland Rural District) to R-2 Restricted (Residential District), with the intent to construct up to 22 single-family attached dwelling units. An in-person community meeting was held for this request on April 11, 2022, with one resident in attendance expressing support for the request.

On April 21, 2022, the Planning and Zoning Commission recommended the approval of the requested R-2 Restricted (Residential District) zoning, subject to one restriction limiting development to two stories maximum.

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

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve the R-2 Restricted (Residential District) zoning, subject to the restriction listed in the staff report. District 5**

JVW/JHS/SFV
Attachment

GENERAL INFORMATION

APPLICANT	Jonathan Dorman, Colonial Storage Associates LLC
OWNERS	Colonial Storage Associates, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-2 Restricted (Residential District)
LOCATION	14545 E. Colonial Drive; generally located east of Lake Pickett Rd, west of S. Tanner Rd, approximately 600 ft. west of Pilgrim St.
PARCEL ID NUMBER	24-22-31-0000-00-006
TRACT SIZE	3.68-gross acres 2.26-gross acres (affected portion of parcel)
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-two (132) notices were mailed to those property owners in the surrounding area. A community meeting was held on April 11 th and is summarized further in this report.
PROPOSED USE	To construct up to 22 Single-Family Attached Dwelling Units (Townhome 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 not exceed two stories.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the undeveloped northern portion of the site currently zoned A-2 (Farmland Rural District) to R-2 Restricted (Residential District) in order to construct up to 22 single-family attached dwelling units. The property is split zoned with the southern portion zoned C-1 (Retail Commercial District). The Lot was never platted and according to Orange County records the parcel has retained its original lot configuration. If this rezoning is approved, the parcel will need to be split and the C-1 portion will be a separate parcel.

The Future Land Use Map (FLUM) designation for the northern portion is Low-Medium Density Residential (LMDR) which allows for consideration of up to 10 dwelling units per 1 net developable acre. The affected portion of this site is 2.26 gross acre. The proposed 22 lots would create a density of 9.73 units per acre. The current A-2 zoning classification is inconsistent with the LMDR FLUM designation, however the proposed R-2 zoning district is consistent and is needed prior to development of the proposed 22 single-family attached units.

The immediate area can be characterized as developed with single-family dwellings, commercial uses and mobile homes. The adjacent property to the west (14441 Bell St) was approved by the BCC in 2008 to rezone from A-2 to R-2. To help achieve compatibility with the surrounding single-family homes, a height restriction has been added for the proposed townhomes.

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

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR) which allows for consideration of up to 10 dwelling units per acre. The proposed R-2 (Residential District) zoning is consistent with the LMDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 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: A-2 (Farmland Rural District) (1957) R-T-1 (Mobile Home Subdivision District) (2007)
	E: A-2 (Farmland Rural District) (1957) C-1 (Retail Commercial District) (1957)
	W: R-T-1 (Mobile Home Subdivision District) (2017)

A-2 (Farmland Rural District) (1957)

S: C-1 (Retail Commercial District) (1957) (southern portion)

Adjacent Land Uses

N: Residential

E: Residential

Commercial Retail

W: Residential

Commercial Retail/Office

S: Commercial Retail (southern portion)

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

11,250 sq. ft.
Min. Lot Area:
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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	15 ft.

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

Intent, Purpose, and Uses

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

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See note below table
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based upon the concurrency data base dated 2/14/22, there are three (3) failing roadway segments within the project area. Capacities indicated are a snapshot and are subject to change at any time. Prior to permit approval or Plat approval, whichever occurs first this project will need to go through Concurrency review.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Application: OC-22-029 School Board District: 1 Requested # of unvested units: 19 Vested # of units: 3 Capacity is availability for this project at all affected schools (elementary, middle, and high school).
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*CAD Complete - An Orange County Conservation Area Determination CAD-21-01-013 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD).

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

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits. Reference Orange County code 15-376.

Habitat- 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).

Community Meeting Summary

A virtual community meeting was held on April 11th for this request. One (1) person was in attendance. The member of the community expressed support for the proposed townhomes saying it would be a nice addition to the area.

Utilities

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 – (April 21, 2022)

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 not exceed two stories in height.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the proposed restriction. The authorized Agent was present and agreed with the staff recommendation. One (1) member of the public appeared during public comment of the request to receive more clarification on the proposed development.

Staff indicated that one hundred thirty-two (132) notices were sent to property owners and residents extending beyond 500 feet surrounding the property, and that staff had received zero (0) response in favor, and four (4) response in opposition of the request.

A motion was made by Commissioner Spears, and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to the one (1) restriction that development shall not exceed two stories in height. The motion carried unanimously.

Motion / Second

Gordon Spears / George Wiggins

Voting in Favor

Gordon Spears, George Wiggins, Trevor Sorbo, Walter Pavon, Mohammed Abdallah, and Nelson Pena

Voting in Opposition

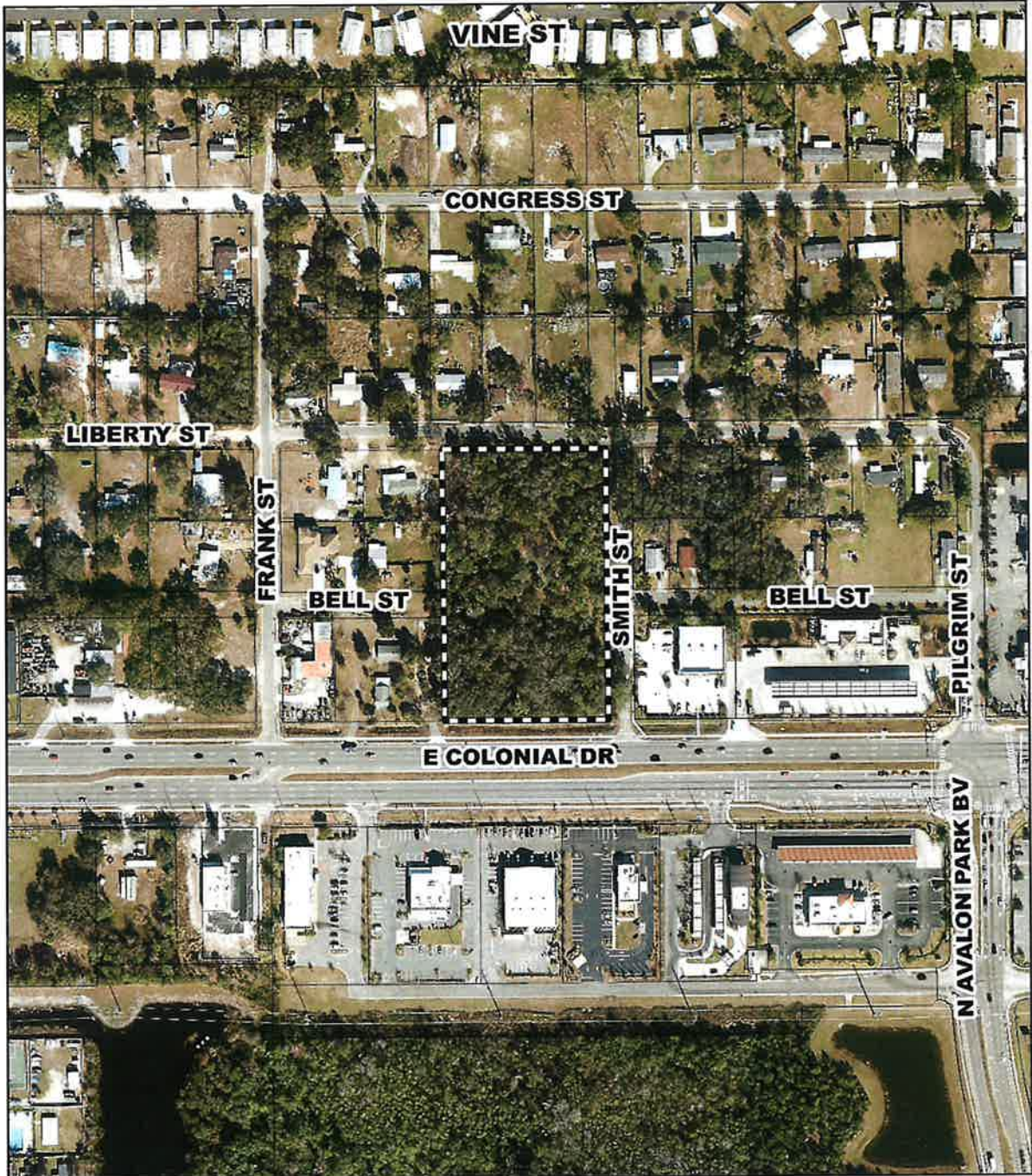
None

Absent

Eddie Fernandez, Evelyn Cardenas

Jaja Wade stepped out

RZ-22-03-015



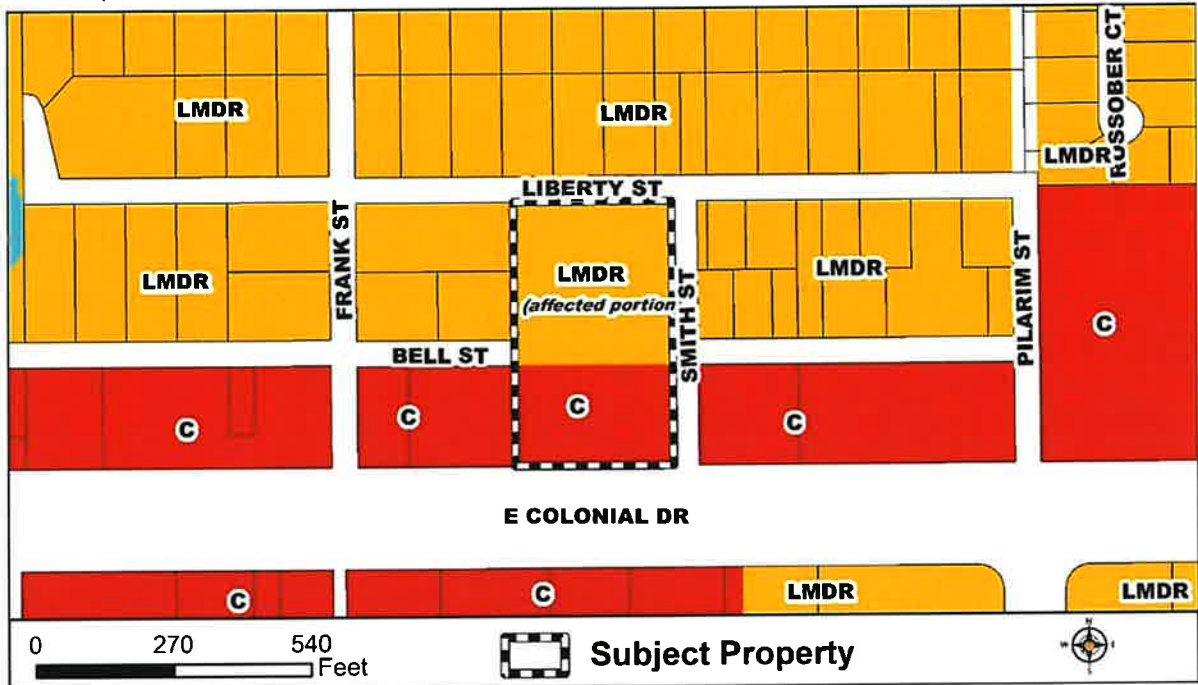
 Subject Property



1 inch = 250 feet

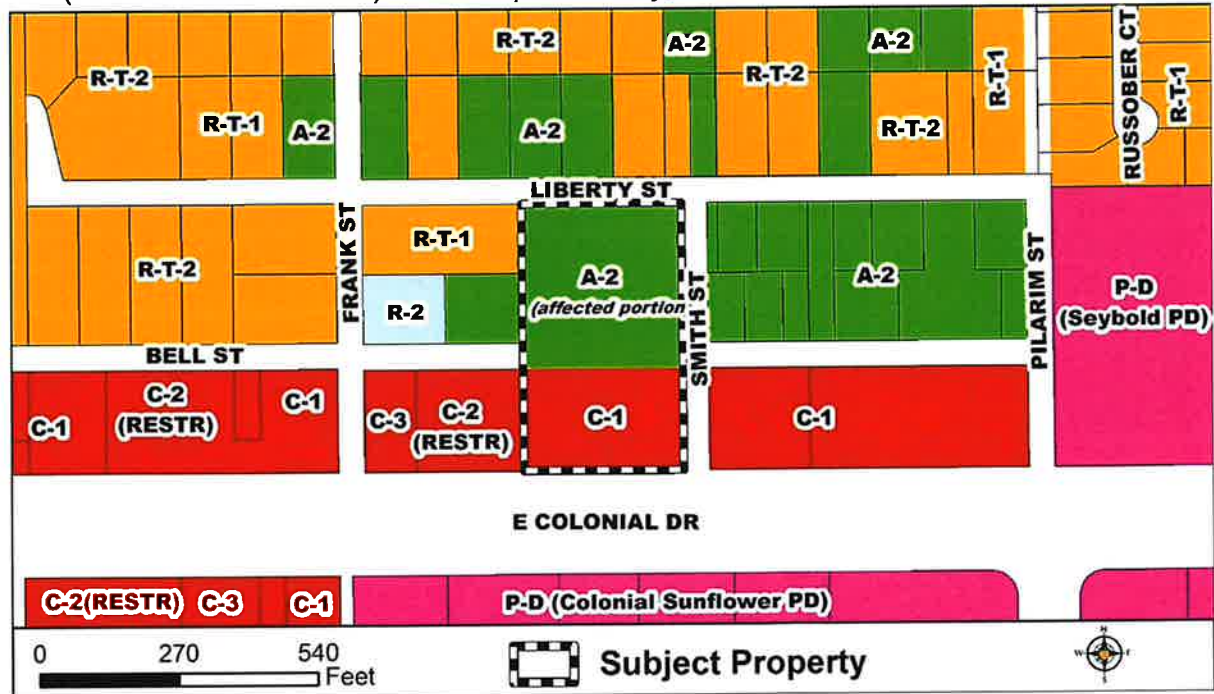
FUTURE LAND USE - CURRENT

LMDR (Low-Medium Density Residential) **affected portion only.*



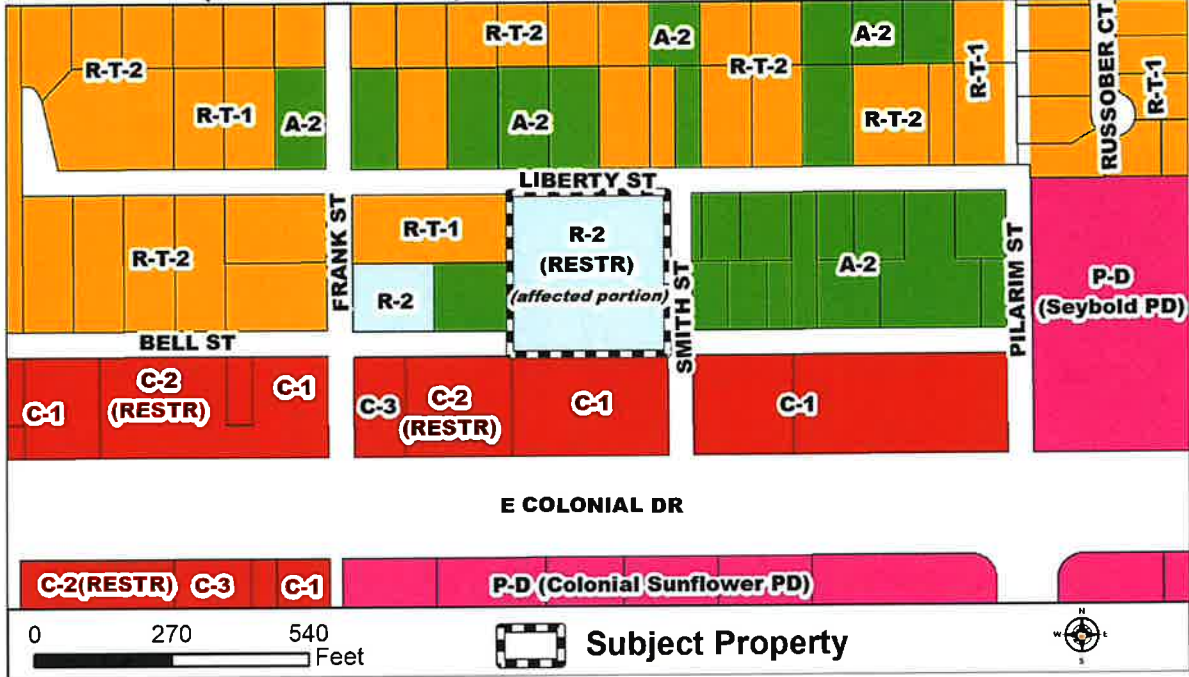
ZONING – CURRENT

A-2 (Farmland Rural District) **affected portion only.*



ZONING – PROPOSED

R-2 Restricted (Residential District) **affected portion only.*



Notification Map

