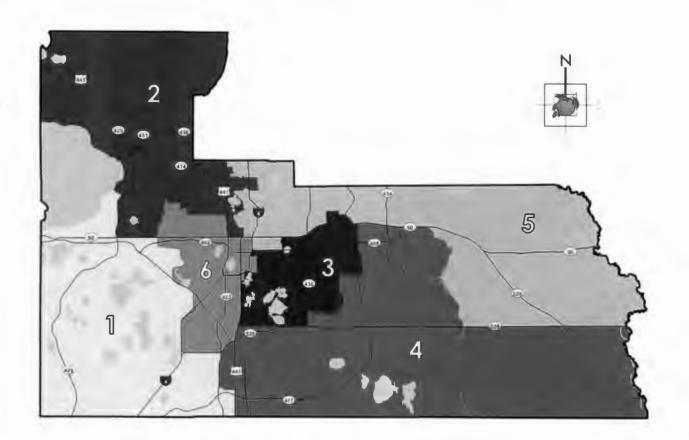


# PLANNING AND ZONING COMMISSION

## LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

FEBRUARY 16, 2023



PREPARED BY:

ORANGE COUNTY GOVERNMENT

PLANNING DIVISION | CURRENT PLANNING SECTION

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

**David Boers** 

District #1

**George Wiggins** 

District #2

Eddie Fernandez

District #3

Walter Pavon

District #4

J. Gordon Spears

District #5

Vice-Chairperson

Camille Evans

District #6

Michael Arrington

At Large

Evelyn Cardenas

At Large

Nelson Pena

At Large

Chairman

# **TABLE OF CONTENTS**

# Planning and Zoning Commission February 16, 2023

Table of Contents	viii
Table of Hearings	ix
Site and Building Requirements	x
Buffer Yard Requirements	xiii
CONVENTIONAL & PLANNED DEVELOPMENT REZON	ING PUBLIC HEARINGS
RZ-23-01-140 District 5	1
RZ-23-02-003 District 6	12
RZ-23-02-004 District 5	23
RZ-23-02-006 District 6	34
RZ-23-08-079 District 6	4

# **TABLE OF HEARINGS**

# Planning and Zoning Commission February 16, 2023

	Case # Applicant	Request	Commission <u>District</u>	Recommend Staff	dations E PZC	BCC Hearing Required
ı.	Conventional Rezoni	ng Hearing				
	RZ-23-01-140 Wilfredo Sepulveda	A-2 <b>to</b> R-T-1 Restricted	5	Approval with one (1) restriction	Approval with one (1) restriction	No
	RZ-23-02-003 Richard Vega	A-1 to R-1A	6	Approval	Approval	No
	RZ-23-02-004 Lilian Lagardera	R-1A <b>to</b> R-1 Restricted	5	Approval with two (2) restrictions	Approval with two (2) restrictions	No
	RZ-23-02-006 George D. Dennison	R-1A <b>to</b> R-1	6	Approval	Approval	No
	RZ-22-08-079 Sharon Thomas	R-2 to C-3	6	Denial	Approval of C-2 Restricted with two (2) restrictions	
	RZ-23-01-137 McGregor Love	Amending zoning restrictions	g 1	Denial	Continued to March 16, 2023 PZC	o No

# SITE and BUILDING REQUIREMENTS

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

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.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	A
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	Α
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	Α
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	Α
R-CE-2	2 acres	1,200	250	45	50	30	35	Α
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	Α
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	Α
R-1AA	10,000	1,200	85	25 h	30 h	7.5	35	Α
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	Α
R-1	5,000	1,000	50	20 h	20 h	5 h	35	Α
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	Α
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	Α
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 h	30	10	35	A
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	A
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	Α
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	Α
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	Α
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	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	Α
R-T-1								
SFR	4,500 c	1,000	45	25/20 k	25/20 k	5	35	Α
Mobile home	4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	5	35	A
R-T-2	6,000	SFR 500	60	25	25	6	35	Α
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2	21,780 ½ acre	SFR 600	100	35	50	10	35	Α

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.) o	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
after ./29/73)		Min. mobile home size 8 ft. x 35 ft.						
NR	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	Α
	Two DUs, 8,000	500 per DU	80/90 d	20	20	5	35/3 stories k	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories k	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 k	Α
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 c	20	20	5	35/3 stories k	Α
	Two DUs, 11,250	500 per DU	80 d	20	20	5	35/3 stories k	Α
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	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 k	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 k	Α
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	A
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	Α
	Two DUs, 8,000	500 per DU	80 d	20	20	5	35/3 stories k	Α
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	Α
	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 k	Α
	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 k	A
2-0	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	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-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets e; 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
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets f	25, except on major streets a provided in Art XV		5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	Α
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets g	25, except on major streets a provided in Art XV		5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	Α
District	Min. front yard (feet)	Min. rear yard	(feet) Min. si	de yard (feet)	Max. building hei	ght (feet)		
I-1A	35	25	25		50, or 35 within 10	00 ft. of any resident	ial use or district	
			25		FO 2F table 44	006-6	al as distaint	

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
1-1 / 1-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
1-2 / 1-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
1-4	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.
- For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
  - (i) are either platted or lots of record existing prior to 3/3/97, and
  - (ii) are 75 feet in width or greater, but are less than 90 feet, and
  - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- 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.
- q 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 # RZ-23-01-140

Commission District: #5

#### **GENERAL INFORMATION**

APPLICANT: Wilfredo Sepulveda

OWNER: Home Source Marketing, LLC

**HEARING TYPE:** Planning and Zoning Commission

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

R-T-1 Restricted (Mobile Home Subdivision District)

LOCATION: 14638 Liberty St; generally located on the southeast corner

of Liberty Street and Smith Street

PARCEL ID NUMBER: 24-22-31-1052-02-460

SIZE/ ACREAGE: 0.29-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]. Seventy (70) 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 (1) Mobile Home

#### STAFF RECOMMENDATION

#### **PLANNING**

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-T-1 Restricted (Mobile Home Subdivision District) zoning.

 Development shall be limited to one (1) residential unit and a lot split shall not be permitted.

#### **SUBJECT PROPERTY ANALYSIS**

#### Overview

Through this request the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-T-1 Restricted (Mobile Home Subdivision District) in order to construct one (1) mobile home on 0.29-gross acre.

The subject property was originally platted as Lots 48A, 48, 47, 46 within the Bunker Hill Community and is located inside of the Urban Service Area. The subject property measures 95 feet in width. The plat for the Bunker Hill subdivision was recorded in 1925. The subject parcel is currently undeveloped. The immediate area is developed with single-family residential dwelling units and mobile homes on lots mostly ranging from 50 feet to 100 feet in width. The surrounding area is zoned R-T-2, R-T-1, R-2 Restricted and A-2 which requires a minimum of 60, 45 and 100 foot lot width.

#### Land Use Compatibility

The R-T-1 Restricted (Mobile Home Subdivision 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-T-1 Restricted (Mobile Home Subdivision 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 Undeveloped Land

Adjacent Zoning N: A-2 (Farmland Rural District) 1957, R-T-2 (Combination

Mobile home and Single-Family Dwelling District) 1982

E: A-2 (Farmland Rural District) 1957

W: R-2 (Residential District) 2022

S: A-2 (Farmland Rural District) 1957

Adjacent Land Uses N: Single-Family Residential

E: Single-Family Residential

W: Undeveloped Land

S: Single-Family Residential

#### R-T-1 (Mobile Home Subdivision District) Development Standards

Single-Family Residence (SFR):

Min. Lot Area: 4,500 sq. ft.

Min. Lot Width: 45 ft.

Max. Height:

35 ft.

Min. Floor Area:

1,000 sq. ft.

**Building Setbacks** 

Front:

25 ft. 25 ft.

Rear: Side:

5 ft.

Mobile Home:

Min. Lot Area:

4,500 sq. ft.

Min. Lot Width:

45 ft.

Max. Height:

35 ft.

Min. Floor Area:

8 ft x 35 ft

**Building Setbacks** 

Front:

25 ft.

Rear:

25 ft.

Side:

5 ft.

#### Intent, Purpose, and Uses

This district is composed of certain lands where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership. The following regulations shall apply to each R-T-1 mobile home subdivision district:

- (1) Uses permitted. A use shall be permitted in the R-T-1 district if the use is identified by the letter "P" in the use table set forth in section 38-77
- (2) (2) Special exceptions. A use shall be permitted as a special exception in the R-T-1 district if the use is identified by the letter "S" in the use table set forth in section 38-77.
- (3) Dimensions. Lot size and setback requirements shall be the same as those established for the R-2 single-family dwelling districts.
- (4) (4) Uses prohibited. A use shall be prohibited in the R-T-1 district if the space for that use is blank in the use table set forth in section 38-77.

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

<sup>\*</sup> 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.

#### SPECIAL INFORMATION

#### **Staff Comments**

#### **Environmental**

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.

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.

#### **Transportation / Access**

A single-family detached home is de minimis.

#### Schools

No comments.

#### **Parks and Recreation**

No comments.

#### **Community Meeting Summary**

A community meeting was not required for this 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: 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 for a single-family home. 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 (February 16, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-T-1 Restricted (Mobile Home Subdivision District) zoning, subject to the restriction:

 Development shall be limited to one (1) residential unit and a lot split shall not be permitted.

#### 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-T-1 (Mobile Home Subdivision District), subject to one restriction. The applicant was present during the meeting and agreed with staff recommendation. No members of the public were present to speak during public comment on this request.

Staff indicated that seventy (70) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) 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-T-1 (Mobile Home Subdivision District) zoning, subject to one restriction. The motion carried unanimously.

Motion / Second Gordon Spears / George Wiggins

Voting in Favor Gordon Spears, Eddie Fernandez, Nelson Pena, George

Wiggins, Michael Arrington, Camielle Evans, and David

**Boers** 

Voting in Opposition None

Absent Walter Pavon and Evelyn Cardenas

#### RZ-23-01-140



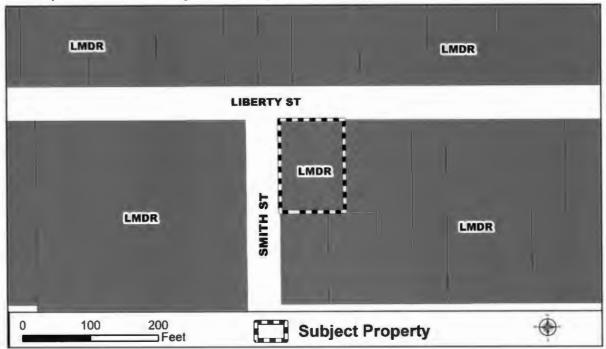




1 inch = 83 feet

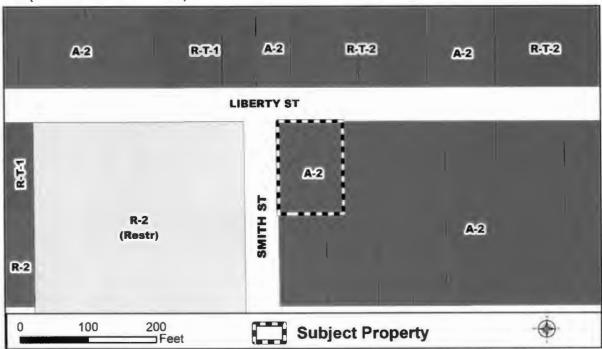
#### **FUTURE LAND USE - CURRENT**

LMDR (Low-Medium Density Residential)



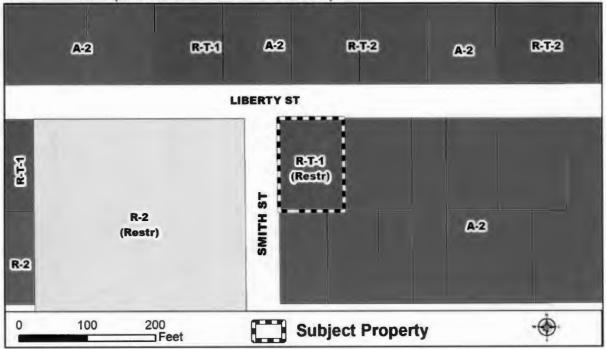
#### **ZONING - CURRENT**

A-2 (Farmland Rural District)



#### **ZONING - PROPOSED**

R-T-1 Restricted (Mobile home Subdivision District)



# NOTIFICATION MAP

Case # RZ-23-01-140
Orange County Planning Division
PZC Hearing Date: January 19, 2023

#### CASE # RZ-23-02-003

Commission District: #6

#### **GENERAL INFORMATION**

APPLICANT:

Richard Vega

OWNER:

Investments AAA, LLC

**HEARING TYPE:** 

Planning and Zoning Commission

REQUEST:

A-1 (Citrus Rural District) to

R-1A (Single-Family Dwelling District)

LOCATION:

8504 Honolulu Drive; generally located south of Honolulu Dr,

east of Kaimu St and approximately 1,270 feet north of W.

Colonial Drive.

PARCEL ID NUMBER:

22-22-28-8932-07-160

SIZE/ ACREAGE:

0.35-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 fifty-five (155) 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 (1) single-family home

#### STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-1A (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-1A (Single-Family Dwelling District) to allow one (1) single-family home. The purpose of the rezoning is for reduced setbacks. The A-1 zoning district requires a front setback of 35 feet, a rear setback of 50 feet, and side setbacks of 10 feet. The R-1A zoning district requires a front setback of 20 feet, a rear setback of 25 feet (50 feet from the normal high water elevation), and side setbacks of 7.5 feet.

The subject parcel consists of one and one-half originally platted lots with 50 and 82 width and length of 119.5 - 137 feet, within the Waikiki Beach subdivision. The plat for the Waikiki Beach subdivision was recorded on September 14<sup>th</sup> in 1923. The subject parcel is currently developed with one house, that will get demolished. 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 A-1 and R-1A which requires a minimum of 100 and 75 foot lot widths.

The subject parcel is located within the Wekiva Priority Focus Area. As such, an advanced septic system is required.

#### Land Use Compatibility

The R-1A (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 LDR (Low Density Residential). The proposed R-1A (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.

**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 Single-Family Residential

Adjacent Zoning N: A-1 (Citrus Rural District) 1957

R-1A (Single-Family Residential) 1957

E: A-1 (Citrus Rural District) 1957W: A-1 (Citrus Rural District) 1957

S: A-1 (Citrus Rural District) 1957

Adjacent Land Uses N: Single-Family Residential, Detention pond

E: Single-Family ResidentialW: Single-Family Residential

S: Lake Sherwood

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

Min. Lot Area: 7500 sq. ft.
Min. Lot Width: 75 feet
Max. Height: 35 feet
Min. Floor Area: 1200 feet

#### **Building Setbacks**

Front: 20 feet Rear: 25 feet Side: 7.5 feet

#### 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**

Delineated Groundwater Contamination Area - The project site is located within a delineated area of groundwater contamination as defined by the Florida Department of Environmental Protection (FDEP). If any contaminated soil, groundwater or other media are removed as a result of such construction activities, it must be properly treated and/or disposed of in accordance with Department rules. An owner/operator who exacerbates the 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.

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.

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 details of advanced septic treatment system requirements.

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

<sup>\*</sup> 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.

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.

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. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

#### **Transportation / Access**

A single-family detached home is de minimus.

#### Schools

One home is de minimus.

#### Parks and Recreation

No comments.

#### **Community Meeting Summary**

A community meeting was not required for this 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:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas.

Potable 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 for a single-family lot. 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 (February 16, 2023)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of R-1A (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 R-1A (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation for R-1A.

Staff indicated that one hundred fifty five (155) notices were sent to property owners within 500-foot area extending the subject property, and that staff had received zero (0) response in opposition and zero (0) in support to the request.

After a brief discussion regarding the building setback requirement from the lake and advanced septic tank system, a motion was made by Commissioner Evans and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The motion carried on a 7-0 vote.

Motion / Second Camielle Evans / George Wiggins

Voting in Favor Camielle Evans, George Wiggins, Nelson Pena, Gordon

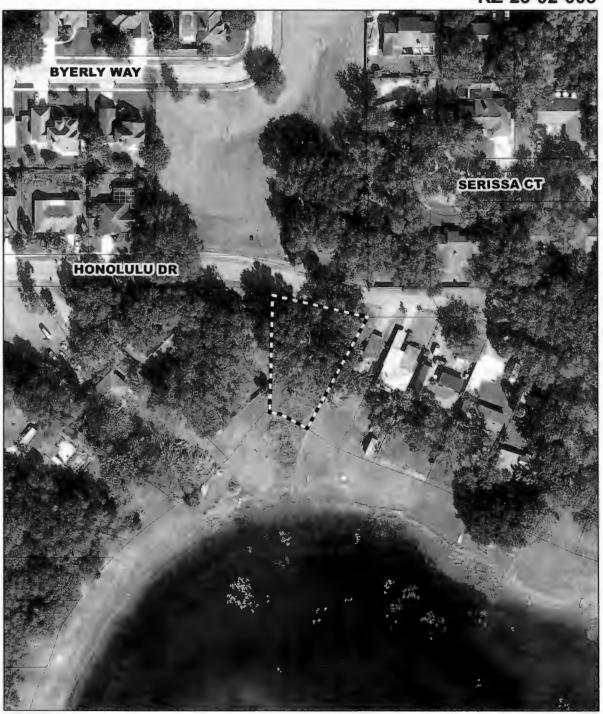
Spears, Eddie Fernandez, Michael Arrington, and David

**Boers** 

Voting in Opposition None

Absent Walter Pavon and Evelyn Cardenas

### RZ-23-02-003







1 inch = 104 feet

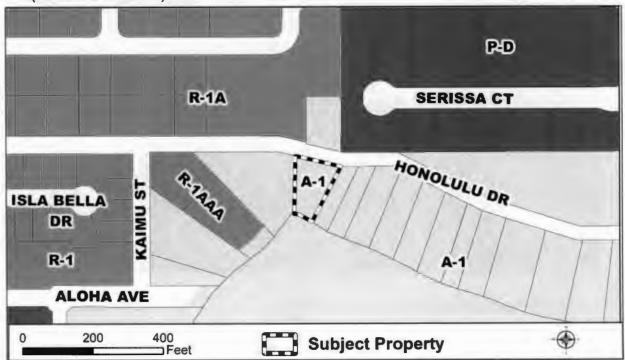
#### **FUTURE LAND USE - CURRENT**

LDR (Low Density Residential)

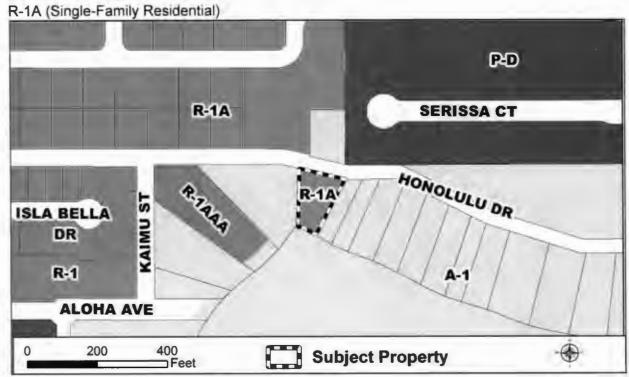


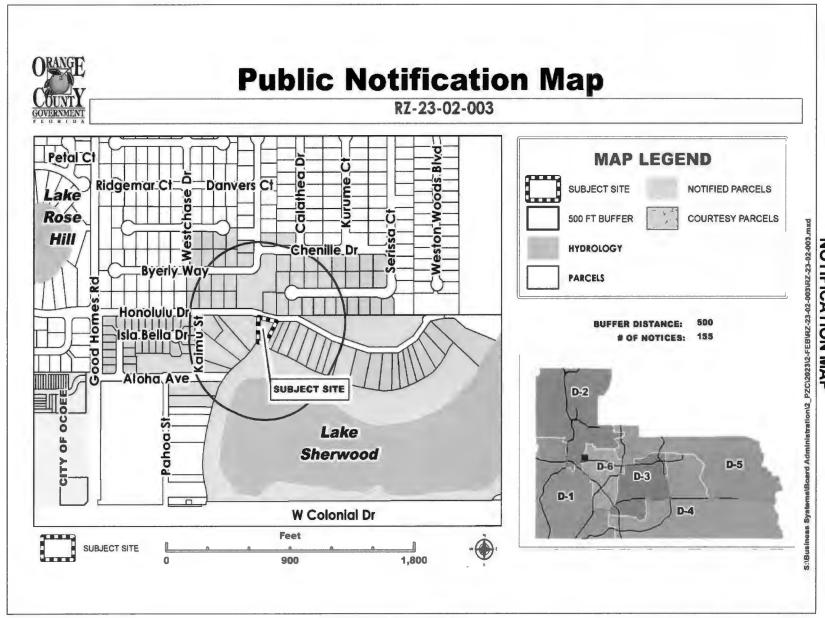
#### **ZONING - CURRENT**

A-1 (Citrus Rural District)



#### **ZONING - PROPOSED**





# NOTIFICATION MAP

Case # RZ-23-02-003
Orange County Planning Division
PZC Hearing Date: February 16, 2023

#### CASE # RZ-23-02-004

Commission District: #5

#### GENERAL INFORMATION

APPLICANT: Lilian Lagardera

OWNER: Lilian Lagardera

HEARING TYPE: Planning and Zoning Commission

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

R-1 Restricted (Single-Family Dwelling District)

LOCATION: 1308 and 1322 Susannah Boulevard; generally south of

Harston Ave, north of beach Blvd.

PARCEL ID NUMBERS: 21-22-30-7204-04-080, 21-22-30-7204-04-101

SIZE/ ACREAGE: 1.08-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 fifty-seven (157) notices were mailed

to those property owners in the surrounding area.

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

PROPOSED USE: Up to three (3) single-family dwelling units (pending lot split

approval and approval of a Conservation Area Determination

(CAD) to demonstrate available upland acreage)

#### 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, subject to the following restrictions:

- 1. Lot(s) shall be no less than fifty-five (55) feet in width; and
- 2. Building side setbacks shall be no less than 7.5 feet adjacent to R-1A zoned properties.

#### 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 construct up to three (3) single family dwelling units on 1.08-gross acre, pending a lot split approval.

The subject parcel consists of three and a half originally platted lots of 51.6 x 146 -152 feet within the Ponce Deleon subdivision. Since these lots are located on a shore line the length varies from 146 to 152. The plat for the Ponce Deleon subdivision was recorded on February 5, 1926. The subject parcel is currently developed with two houses, that will get demolished. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 51 feet to 82 feet in width. The surrounding area is predominantly zoned R-1A which requires a minimum of 75 feet lot width.

The property one lot to the north was rezoned to R-1 Restricted in 2022 (Case RZ-22-11-122), with a restriction to require lots no less than 62 feet in width and a 7.5 foot side setback adjacent to R-1A zoned properties.

The subject parcel is reliant on septic. The City of Orlando is the service provider for wastewater. The City has no plans to extend the gravity sanitary sewer to the property at this time or in the foreseeable future.

#### 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 located in Airport Noise Zone E, and is subject to the Airport Noise Zoning Ordinance (Ord. 2000-07).

#### **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 Residential

Adjacent Zoning N: R-1A (Single-Family Dwelling District) (1957)

E: R-1A (Single-Family Dwelling District) (1957)

W: R-1A (Single-Family Dwelling District) (1957)

S: R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses N: Single-Family Residential

E: Single-Family ResidentialW: 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 to 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

CAD Required - An Orange County Conservation Area Determination (CAD) is required to determine the developable acreage. EPD has no record of a CAD for this site. If a CAD has been obtained, or if historical documents are located, then the applicant should submit a copy to EPD. Otherwise, the applicant should submit a new CAD application

for review by mail or email to wetlandpermitting@ocfl.net. Reference Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Existing Boat Dock Permit - For the 1322 Susannah Blvd location, our records do not show an Orange County Boat Dock Construction Permit. 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.

Dock Renovation - Replacement and renovation of existing or remnant docks, boardwalks or observation piers may require review and permitting by Orange County EPD Permitting & Compliance. Reference OC Code Chapter 15 Environmental Control, Article IX Dock Construction

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. 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.

Demolition - Prior to demolition activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County EPD. For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. 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).

No Clearing - No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. Reference OC Code Chapter 15, Article X Wetland Conservation Areas.

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. 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 wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) 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).

Eagle Nest Buffer - The site is located within the 660 ft buffer zone of an FWC identified eagle nest OR037. 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**

Three single-family detached homes are de minimus.

#### Schools

Three single-family detached homes are de minimus.

#### **Parks and Recreation**

No comments.

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### **Utilities**

Water: OUC

Wastewater: Orlando

Reclaim Water: Orlando

#### **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:

This property is within Orlando Utilities Commission's water service area.

This property is within the City of Orlando's wastewater and reclaimed water service area. The subject property will be reliant on septic tanks for wastewater disposal.

#### 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 (February 16, 2023)

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 the following restrictions:

- 1. Lot(s) shall be no less than fifty-five (55) feet in width; and
- 2. Building side setbacks shall be no less than 7.5 feet adjacent to R-1A zoned properties.

# 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. The property owner was present and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred fifty-seven (157) notices were sent to property owners and residents in a 500 foot radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

After a brief discussion regarding advanced septic tanks and the number of units permitted, a motion was made by Commissioner Spears and seconded by Commissioner Wiggins to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning, subject to two restrictions. The motion was carried unanimously.

Motion / Second Gordon Spears / George Wiggins

Voting in Favor Gordon Spears, George Wiggins, Nelson Pena, Michael

Arrington, Camielle Evans, David Boers, and Eddie

Fernandez

Voting in Opposition None

Absent Walter Pavon and Evelyn Cardenas

# RZ-23-02-004



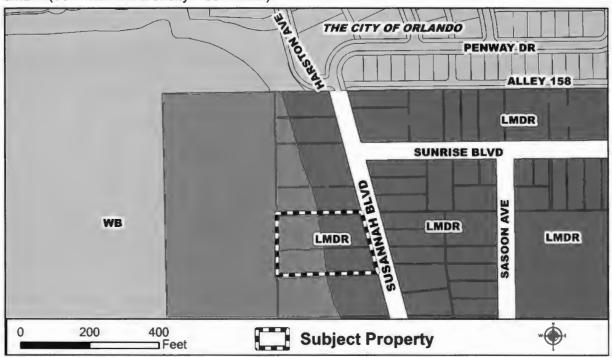




1 inch = 167 feet

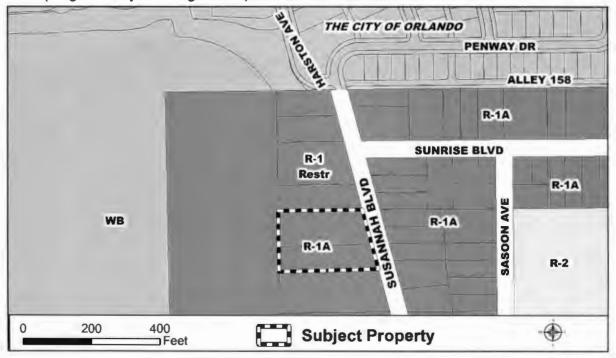
# **FUTURE LAND USE - CURRENT**

LMDR (Low-Medium Density Residential)

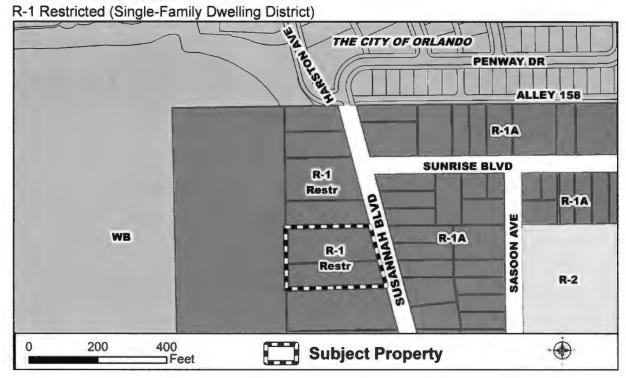


# **ZONING - CURRENT**

R-1A (Single-Family Dwelling District)



# **ZONING - PROPOSED**



# NOTIFICATION MAP

Case # RZ-23-02-004
Orange County Planning Division
PZC Hearing Date: February 16, 2023

# CASE # RZ-23-02-006

Commission District: #6

# **GENERAL INFORMATION**

APPLICANT:

George D Dennison II Esq.

OWNER:

Terra Wealth, LLC

**HEARING TYPE:** 

Planning and Zoning Commission

REQUEST:

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

R-1 (Single-Family Dwelling District)

LOCATION:

1218 36th St; generally located approximately 150 feet west of

Wood St, 330 feet east of S. Orange Blossom Trail, and on the

south side of 36th St.

PARCEL ID NUMBER:

03-23-29-0182-96-030

SIZE/ ACREAGE:

0.31-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]. Two hundred pine (200) notices were mailed to those

feet]. Two hundred nine (209) notices were mailed to those

property owners in the surrounding area.

COMMUNITY MEETING:

A community meeting was not required for this request.

PROPOSED USE:

Two (2) detached 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 (Single-Family Dwelling District) zoning.

## SUBJECT PROPERTY ANALYSIS

## Overview

The applicant is requesting to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two (2) detached single-family homes. The applicant will request to split the lot reverting back to the underlying platted lots and build one (1) single-family home on each lot. 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. The proposed two (2) lots would create a density of 6.4 units per acre, however on December 14, 2021, the Board of

County Commissioners approved an amendment to Comprehensive Plan Policy FLU8.1.1 which allows for a property with historical underlying platted lots to revert to those underlying platted lots so long as the zoning district standards are met without the need for a FLUM designation increase to address the density issue. In this case, because the property meets the requirements of the new policy a FLUM amendment is not necessary, however a rezoning is required to meet the R-1 zoning district standards.

The subject property containing 0.31-gross acre was platted in 1924 as lot 3 and 4 on the Angebilt Addition No. 2 Plat. The subject property measures 100 feet in lot width and 13,491 sq. ft. in lot size. The lot split would result in two (2) 50-foot-wide lots with each containing a minimum 5,000 sq. ft. lot area, making each lot consistent with the minimum zoning lot width and lot size requirements under the R-1 zoning site development standards outlined in Orange County Code Section 38-1501. The subject property will be reliant on septic and the applicant will be required to work with the Department of Health and Orange County Utilities for each lot after the lot split is approved.

The general surrounding area consists of developed single-family homes within R-1A and R-1 zoning districts. Single-family homes surrounding the subject property are located on 50-feet wide lots. Commercials uses exist to the west of the subject property along S. Orange Blossom Trail. Lot 6, located to the west within the same block as the subject property, was recently rezoned and (2021) from C-1 to R-1 to split the lot and build three (3) single-family homes.

## 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 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 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.

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.

**FLU8.1.1** states in the Zoning and Future Land Use correlation table that The maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of December 14, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:

- 1. The subject property is located within the Urban Service Area;
- 2. The proposed density and/or lot sizes are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;
- 3. The subject lot of record, or each resulting lot if a lot split is proposed, is accessed by an open and maintained County-approved roadway;



- The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;
- 5. Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and
- 6. For R-2 zoned properties, the proposed use is single-family detached residential.

Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.

A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning districts to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the zoning manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the county's policies to encourage compact urban development and discourage urban sprawl.

# SITE DATA

Existing Use	Vacant residential	
Adjacent Zoning	N:	R-1A (Single-Family Dwelling District) 1957, C-2 (General Commercial District) 1966
	E:	R-1A (Single-Family Dwelling District) 1957
	W:	R-1A (Single-Family Dwelling District) 1957
	S:	R-1A (Single-Family Dwelling District) 1957
Adjacent Land Uses	N:	Residential,
		Commercial
	E:	Residential
	W:	Residential
	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

## 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**

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 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. The applicant should call the Orange County Solid Waste Hotline at 407-836-6601 for information.

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).

<sup>\*</sup> These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code Section 38-1501 for actual regulations for site requirements for this zoning district.

# **Transportation / Access**

Two homes is de-minimus.

## **Schools**

No comments.

#### Parks and Recreation

No comments.

# **Community Meeting Summary**

A community meeting was not required for this request.

### Utilities

Water:

OUC

Wastewater:

**Orange County Utilities** 

Reclaim Water:

City of Orlando

## **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:

This property is within Orlando Utilities Commission's water service area.

This property is within the City of Orlando's reclaimed water service area.

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

Wastewater: Wastewater is considered not available. Development of two single family homes on this property will be reliant on septic tanks for wastewater disposal.

## 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 (February 16, 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 and agreed with the staff recommendation. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that two hundred and nine (209) notices were sent to property owners and residents in a 500 foot radius surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

After a brief discussion regarding utilities and the reliance on septic tanks for waste water disposal, a motion was made by Commissioner Evans, and seconded by Commissioner Arlington to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District). The motion carried on a 5 to 2 vote with Commissioner Spears and Commissioner Boers voting in opposition.

Motion / Second Camielle Evans / Michael Arrington

Voting in Favor Camielle Evans, Michael Arrington, Nelson Pena, George

Wiggins, and Eddie Fernandez

Voting in Opposition Gordon Spears and David Boers

Absent Walter Pavon and Evelyn Cardenas

# RZ-23-02-006



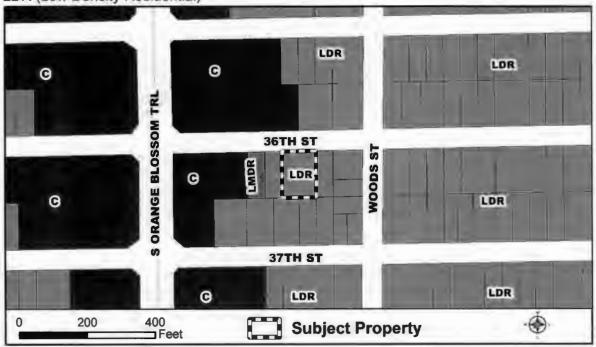




1 inch = 125 feet

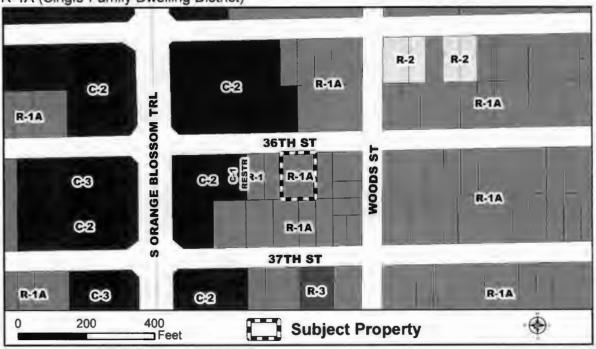
# **FUTURE LAND USE - CURRENT**

LDR (Low Density Residential)

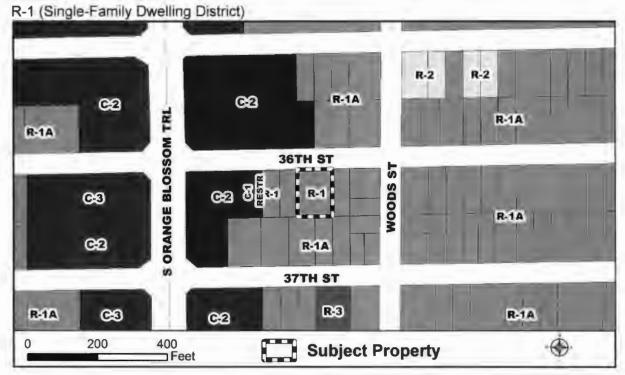


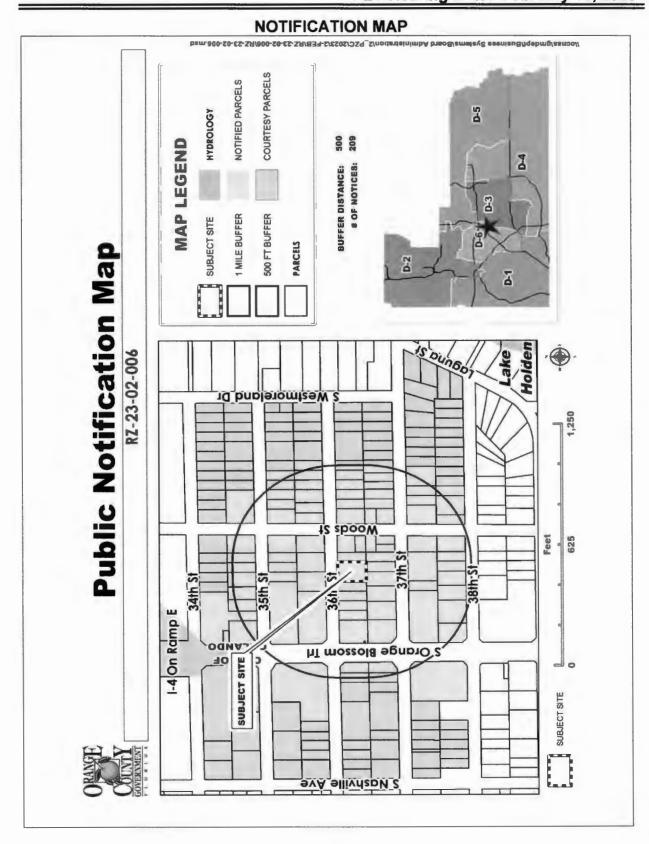
# **ZONING - CURRENT**

R-1A (Single-Family Dwelling District)



# **ZONING - PROPOSED**





# CASE # RZ-22-08-079

Commission District: #6

# **GENERAL INFORMATION**

APPLICANT: Sharon Thomas

OWNER: Lester Sealey

**HEARING TYPE:** Planning and Zoning Commission

REQUEST: R-2 (Residential District) to

C-3 (Wholesale Commercial District)

LOCATION: 2620 & 2622 Michigan Court; generally located on the south

side of Michigan Court, 215 feet east of John Young

Parkway and north of Old Winter Garden Road.

PARCEL ID NUMBERS: 28-22-29-5460-00-075 and 28-22-29-5460-00-072

SIZE/ ACREAGE: 0.36-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]. One hundred seventy-four (174) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: A virtual community meeting was held on January 25, 2023,

with no residents in attendance.

PROPOSED USE: Warehouse with storage, auto repair and paint mechanic

shop.

## STAFF RECOMMENDATION

## PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend Denial of the requested C-3 (Wholesale Commercial District) zoning, subject to the following restrictions:

## **Alternative Recommendation**

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;
- 2. A "Type B" buffer, consisting of a completely opaque 6-foot high masonry wall or fence, shall be constructed along eastern property boundary.

## SUBJECT PROPERTY ANALYSIS

## Overview

Through this request, the applicant is seeking to rezone the subject property from R-2 (Residential District) to C-3 (Wholesale Commercial District) in order to permit a warehouse with storage, auto repair and paint mechanic shop and overnight vehicle parking related to the business.

Although the subject parcel is located near existing C-3 zoned property to the south, staff has determined that the proposed request to rezone the subject property to C-3 zoning district would adversely impact the adjacent single-family development to the east.

Furthermore, Orange County Code Section 38-876, states that the C-3 zoning district must be located away from residential districts because it allows uses that are not compatible with residential districts. This is because of the variety of uses that are permitted in the C-3 zoning district that are incompatible with single-family zoned properties.

While there are C-3 parcels located near the subject property adjacent to the single-family neighborhood, most of the existing C-3 zoned parcels have been zoned in their current state prior to the adoption of the C-3 residential adjacency requirements in 1995.

Lastly, Orange County Comprehensive Plan Policies FLU 1.4.2 and 1.4.4 require that all land use changes be compatible with existing neighborhoods and that poorly located / designed commercial activities near residential areas be avoided. Given this analysis, staff is recommending denial of this application with an alternative recommendation of C-2 which however would not allow a warehouse use.

## **Land Use Compatibility**

The C-3 (Wholesale Commercial District) zoning would allow for development that is incompatible 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 Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial (C) 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: City of Orlando

E: R-2 (Residential District) (1957)

W: City of Orlando

S: C-3 (Wholesale Commercial District) (1981)

**Adjacent Land Uses** 

N: Vacant Commercial, Parking lot

E: Single-Family Residential

W: Gas Station

S: Car Lot

C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:

12,000 sq. ft.

Min. Lot Width:

125 ft. (on major streets, see Article XV)

100 ft. (on all other streets)

Max. Height:

75 ft. (35 ft. within 100 ft. of residential)

Min. Floor Area:

500 sq. ft.

**Building Setbacks** 

Front:

25 ft.

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

Intent, Purpose, and Uses

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the future land use map. The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

# SPECIAL INFORMATION

### Staff Comments

### Environmental

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.

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. 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).

Erosion Control - Use caution to prevent erosion during construction along the boundary of the property, into 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 upon the concurrency data base dated 7/12/22, there are failing roadway segments within the project area. Capacities indicated are a snapshot and are subject to change at any time. A traffic study may be required prior to building permit approval.

#### 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

Not required for non-residential development.

## **Community Meeting Summary**

A virtual community meeting was held on January 25, 2023, with no residents in attendance.

### Utilities

Water:

OUC

Wastewater:

Orlando

Reclaim Water:

Orlando

## **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:

This property is within Orlando Utilities Commission's water service area.

This property is within City of Orlando's 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 (February 16, 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:

- New billboards and pole signs shall be prohibited;
- 2. A "Type B" buffer, consisting of a completely opaque 6-foot high masonry wall or fence, shall be constructed along eastern property boundary.

# 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 DENIAL of the requested C-3 (Wholesale Commercial District) zoning. Alternatively, staff recommended APPROVAL of C-2 Restricted (General Commercial District) zoning. The applicant was present and agreed with the staff recommendation for C-2 zoning.

Staff indicated that one hundred seventy four (174) notices were sent to the property owners within 1,200-foot area from the subject property, and that staff had received zero (0) responses in opposition and zero (0) in support to the request.

After a brief discussion, a motion was made by Commissioner Evans and seconded by Commissioner Spears to recommend APPROVAL of the requested C-2 Restricted (General Commercial District) zoning subject to two restrictions. The motion carried on a 7-0 vote.

Motion / Second Camielle Evans / Gordon Spears

Voting in Favor Camielle Evans, Gordon Spears, Nelson Pena, George

Wiggins, Eddie Fernandez, David Boers, and Michael

Arrington

Voting in Opposition None

Absent Walter Pavon and Evelyn Cardenas

# RZ-22-08-079



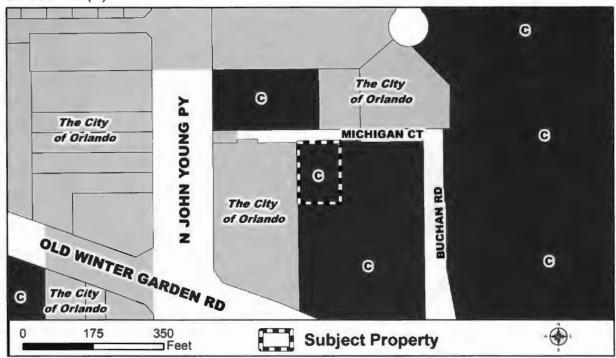




1 inch = 125 feet

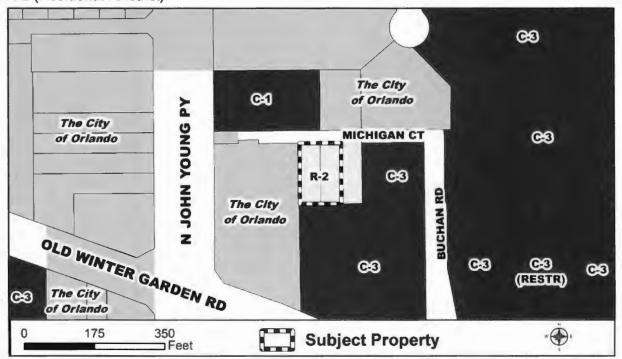
# **FUTURE LAND USE - CURRENT**

Commercial (C)



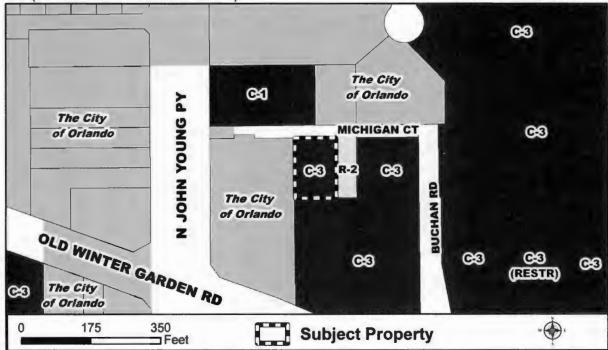
# **ZONING - CURRENT**

R-2 (Residential District)



# **ZONING - PROPOSED**

C-3 (Wholesale Commercial District)



# NOTIFICATION MAP

Orange County Planning Division PZC Hearing Date: February 16, 2023

Case # RZ-22-08-079