



PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

DECEMBER 16, 2021



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

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



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December 16, 2021

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CONVENTIONAL & PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS

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TABLE OF HEARINGS
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December 16, 2021

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. Conventional Rezoning Hearing					
RZ-21-12-087 Bret Jones	<i>A-2 to R-2</i>	3	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-21-12-090 Charles Sewell	<i>C-1 & R-1 to R-3</i>	2	Approval with one (1) restriction	Approval with one (1) restriction	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

<i>District</i>	<i>Min. lot area (sq. ft.) m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) a</i>	<i>Min. rear yard (ft.) a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	A
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	A
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	A
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A
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 <i>c</i>	20	20	5	35/3 stories <i>k</i>	A
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	A
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	A
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	A
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	A
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	A
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	A

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

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

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

FOOTNOTES

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

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

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

(a) *Buffer classifications:*

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

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

CASE # RZ-21-12-087

Commission District: #3

GENERAL INFORMATION

APPLICANT	Bret Jones, Law Office of Bret Jones, P.A.
OWNERS	Razzaq Kalsoom
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-2 Restricted (Residential District)
LOCATION	1616 S. Dean Road; generally located on the west side of S. Dean Rd., south of Berry Dease Rd., north of Leyburn Ct.
PARCEL ID NUMBER	05-23-31-0000-00-014
TRACT SIZE	9.68-gross acres 5.57 net developable acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred nineteen (519) notices were mailed to those property owners and residence in the surrounding area. An in-person community meeting was held on December 8 th , 2021. The meeting is summarized below.
PROPOSED USE	53 attached and detached single-family 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 restrictions:

- 1) Development shall provide vehicular stub out access to the southern and eastern boundary. The southern access must align with existing access to the Savina Park PD development;
- 2) The subject property shall be limited to 53 single-family attached and detached units; and,
- 3) Vehicular access gates shall be prohibited within the development.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-2 Restricted (Residential District) with the intent to subdivide the property to develop 53 single-family attached and detached units on 5.57 net developable acres. The site is currently developed with multiple structures that are scheduled to be demolished. The existing use is an animal slaughtering facility.

The current zoning district A-2 (Farmland Rural District) and the Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR) is inconsistent, therefore a rezoning is required prior to any development.

The surrounding area can be characterized as densely developed with single-family residential dwelling units on varying lot sizes. A single-family home to the north has retained the A-2 zoning classification since 1968. The subdivision to the north (Plunk Property PD) was rezoned from A-2 to PD in 2017. The Plunk PD was developed at 4.84 units per acre, for allowance of 52 single family units (40'X100' lots). The subdivision to the south (Savina Park PD) was rezoned from A-2 to PD in 2011. The PD was developed at 3.29 units per acre, with 54 single family dwelling units on 45' lots. The Dean Road Condo subdivision located east of the subject property was developed with 231 single family units with 50' lots. The subject property request is 9.56 units per net developable acre.

The approval of a Preliminary Subdivision Plan (PSP) is required prior to issuance of building permits. The townhome portion of this development shall comply with Orange County Code 38-79(20).

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 consideration of up to ten (10) units per acre. The proposed R-2 (Residential District) zoning is consistent with the Low-Medium Density Residential FLUM designation and 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 Meat Packing Plant / Animal Slaughtering

Adjacent Zoning N: PD (Planned Development) (2017)
A-2 (Farmland Rural District) (1968)
E: PD (Planned Development) (1987)
W: A-2 (Farmland Rural District) (1968)
S: PD (Planned Development) (2011)

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

**No zoning restrictions apply to the above.*

R-2 (Residential District) Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.
Min. Lot Width: 45 ft.
Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Two Dwelling Units

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

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)

Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	15 ft.

Four or More Dwelling Units

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

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

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"/>	There are multiple failing roadways within the project's impact area. A Traffic Study will be required.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The School Capacity Determination shows that the Elementary and Middle schools have available capacity, however the High School does not. The number of high school students generated from this project is 6.17 and the high school currently has an adjusted utilization of 101.8%. The additional 6.17 students would bring the utilization to 102.1%.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* CAD - A Class I wetland of 4.11 acres is located on the eastern portion of this site. It includes a portion of the Little Econlockhatchee River and extends offsite. Orange

County Conservation Area Determination CAD-20-02-031 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on May 6, 2020. This determination is valid for a period of 5 years.

Developable Acreage -The net developable area for this parcel is 5.57 acres. Per Orange County Comprehensive Plan Policy FLU1.1.2 C, the net developable land area is defined as the gross land area, less surface waters and wetlands. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcel shall have an approved Conservation Area Impact (CAI) permit from the Orange County EPD, in addition to an approved CAD. Impacts to Class I conservation areas require approval from the Orange County Board of County Commissioners (BCC).

Stormwater Runoff - All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

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

Waste Material 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.

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.

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 as indicated in 34-250(g). This may require periodic street sweeping.

Habitat Permit Compliance - 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

An in-person community meeting for this request was held on December 8, 2021. Three (3) members of the community were in attendance. Those in attendance expressed support for the proposed development, stating they believed the residential development would be a benefit to the overall 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:

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

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

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

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (December 16, 2021)

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 restrictions:

- 1) Development shall provide vehicular stub out access to the southern and eastern boundary. The southern access must align with existing access to the Savina Park PD development;
- 2) The subject property shall be limited to 53 single-family attached and detached units; and,
- 3) Vehicular access gates shall be prohibited within the development.

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. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that five hundred nineteen (519) notices were sent to property owners and residents extending beyond 500 feet surrounding the subject property and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request stating a preference for Dean Road to be widened.

After discussion regarding the surrounding area and school capacity, a motion was made by Commissioner Fernandez, and seconded by Commissioner Spears to recommend APPROVAL of the requested R-2 Restricted (Residential District) subject to the restrictions proposed. The motion carried unanimously.

Motion / Second	<i>Eddie Fernandez / Gordon Spears</i>
Voting in Favor	<i>Eddie Fernandez, Gordon Spears, JaJa Wade, Walter Pavon, Evelyn Cardneas, Mohammed Abdallah, Trevor Sorbo, and George Wiggins</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena</i>

RZ-21-12-087



 Subject Property



1 inch = 417 feet

FUTURE LAND USE – CURRENT



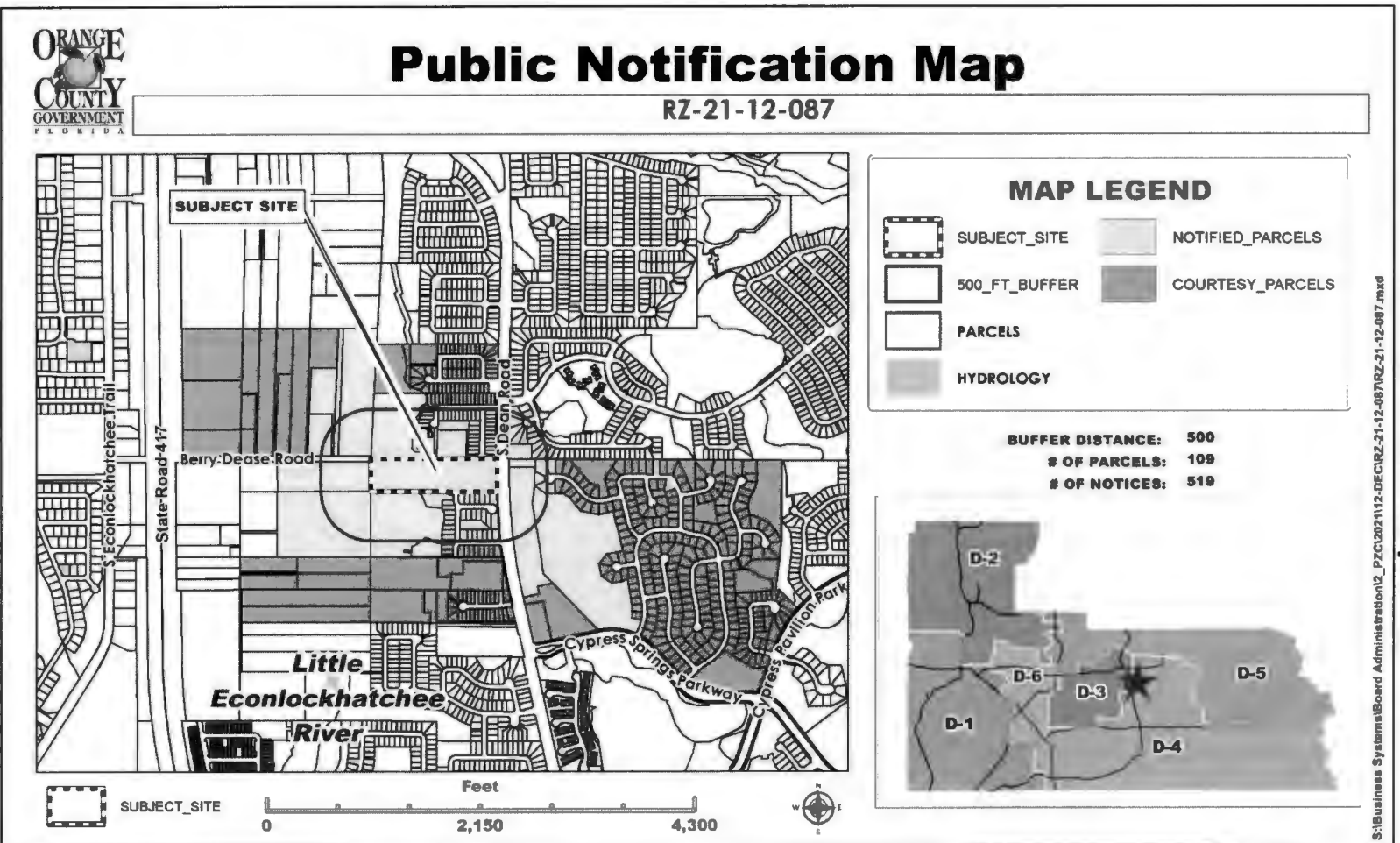
ZONING - CURRENT



ZONING - PROPOSED



Notification Map



CASE # RZ-21-12-090

Commission District: #2

GENERAL INFORMATION

APPLICANT	Charlie Sewell
OWNERS	Grace Community of Faith, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) and R-1 (Single-Family Residential District) to R-3 Restricted (Multiple-Family Dwelling District)
LOCATION	6511 Forest City Road; generally located on the east side of Forest City Road, south of W. Kennedy Boulevard
PARCEL ID NUMBER	33-21-29-0000-00-061
TRACT SIZE	2.48-gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred fifty-eight (358) notices were mailed to those property owners and residents in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Religious Institution

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-3 Restricted (Multiple-Family Dwelling District) zoning, subject to the following restriction:

- 1) The subject property shall be limited to religious institutional and ancillary uses only.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject parcel to R-3 Restricted (Multiple-Family Residential District) in order to construct a new community church with associated parking on 2.48-gross acres. The parcel is currently developed with a church which will be demolished. Churches (or "religious institutions") are permitted by-right in the R-3 District.

The subject property benefits from a cross access easement with the property to north (33-21-29-2372-00-030). The easement is unaffected by this rezoning request.

The immediate area can be characterized as mixed-use. Uses adjacent to the subject property include multi-family, and commercial. The church use is existing and is compatible with the surrounding area.

Per OC code 38-77 churches are permitted within residential and commercial districts. The use is permitted by right in C-1 however a special exception is required for R-1. The current split zoning classifications of C-1 (Retail Commercial District) and R-1 (Single-Family Residential District) are inconsistent with the Medium Density Residential (MDR) future land use designation. The proposed R-3 Restricted zoning district is consistent with the MDR FLUM designation and does not require a special exception.

Since the church use does not generate an impact on Orange County Public Schools a school capacity determination was not required with this request. If the church use should change, the owner will be required to amend this rezoning.

Site improvements for the subject property will be required at permitting. There is a falling road segment within the project's impact area, and a mobility analysis is required. There is also a water body on the eastern boundary of the parcel, and a Conservation Area Determination (CAD) shall be required prior to issuance of building permits to determine the net developable acreage. Additionally, the subject property is within the Wekiva Study Area and 25% open space is required per Comprehensive Plan Policy OS1.3.6.

Land Use Compatibility

The R-3 Restricted (Multiple-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

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

Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR). The proposed R-3 Restricted (Multiple-Family Dwelling District) zoning is consistent with the 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.

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.

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 Religious Institution

Adjacent Zoning N: City of Eatonville

E: R-1 (Single-Family Residential District) (1957)
W: C-1 (Retail Commercial District) (1984)
S: C-1 (Retail Commercial District) (2015)
R-3 (Multiple-Family Dwelling District) (1971)
Commercial Vacant Lot

Adjacent Land Uses

N: Commercial
E: Residential Use
W: Industrial Warehouse
S: Multi-Family Units
Commercial

R-3 (Multiple-Family Dwelling District) Development Standards

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.

Intent, Purpose, and Uses

The areas included in R-3 multiple-family dwelling districts are primarily residential in character. Residential uses are permitted at high population densities.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See note below the table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>There is a falling road segment within the project's impact area.</p> <p>This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development.</p> <p>The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit;</p>

			provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then-current transportation concurrency requirements
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No impact to OCPS, if use is restricted to church.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*** Boat Docks or Ramps** - Any person desiring to construct a boat dock or boat ramp shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division (407-836-1400).

Conservation Area - A Conservation Area Determination shall be required prior to issuance of building permits to determine the net developable acreage. If a Conservation Area Determination and/or a Conservation Area Impact permit has been completed by Orange County on this property then submit a copy to the Orange County Environmental Protection Division for verification as outlined in Chapter 15, Article X Wetland Conservation Areas.

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

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.

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly 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.

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.

Stormwater Runoff - All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: City of Winter Park*

Waste Water: City of Winter Park*

Reclaim Water: Orange County Utilities

*According to City of Winter Park the subject property will be required to be connected to water and wastewater utilities.

State of Florida Notice

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Specific Project Expenditure Report and Relationship Disclosure Form

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ACTION REQUESTED

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- 1) The subject property shall be limited to religious institutional and ancillary uses only.

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-3 Restricted (Multiple-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that three hundred fifty-eight (358) 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.

After discussion ensued regarding the proposed use, a motion was made by Commissioner Wiggins, and seconded by Commissioner Wade to recommend APPROVAL of the requested R-3 Restricted (Multiple-Family Dwelling District) subject to the one (1) restriction. The motion carried unanimously.

Motion / Second

George Wiggins / Jaja Wade

Voting in Favor

George Wiggins, Trevor Sorbo, Mohammed Abdallah, JaJa Wade, Evelyn Cardenas, Walter Pavon, Gordon Spears, and Eddie Fernandez

Voting in Opposition

None

Absent

Nelson Pena

RZ-21-12-090

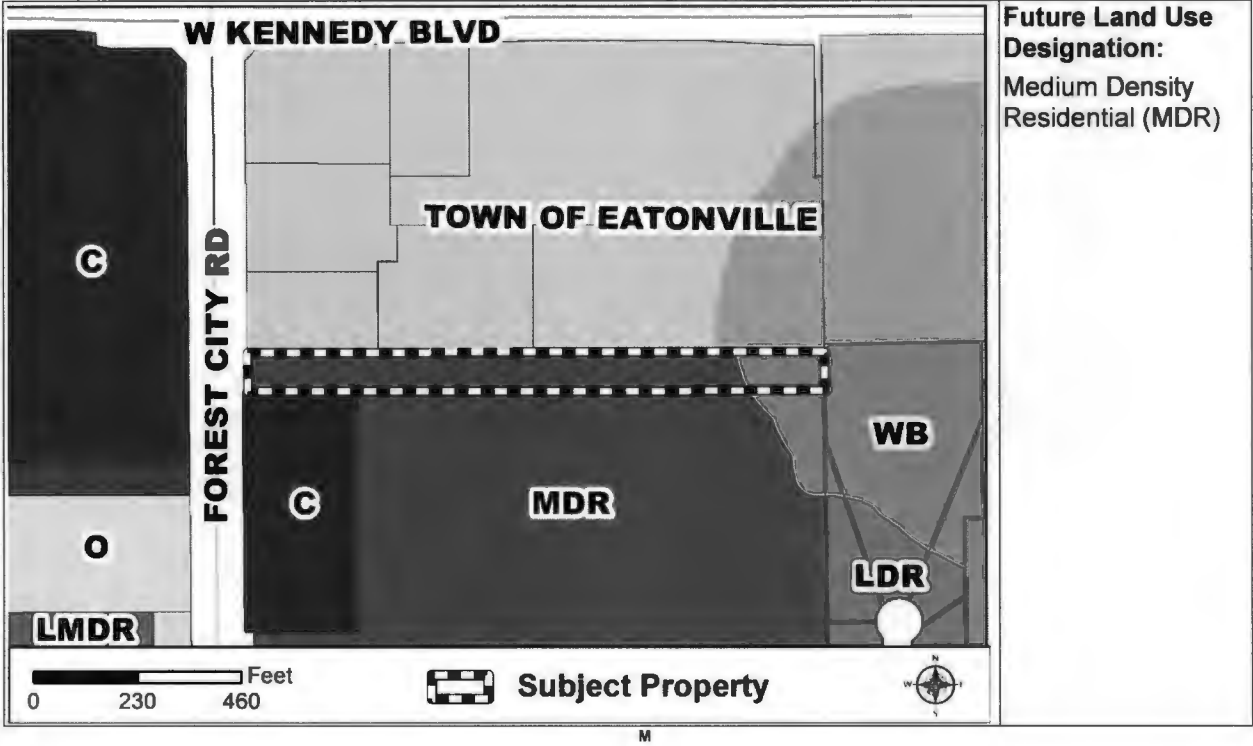


 Subject Property

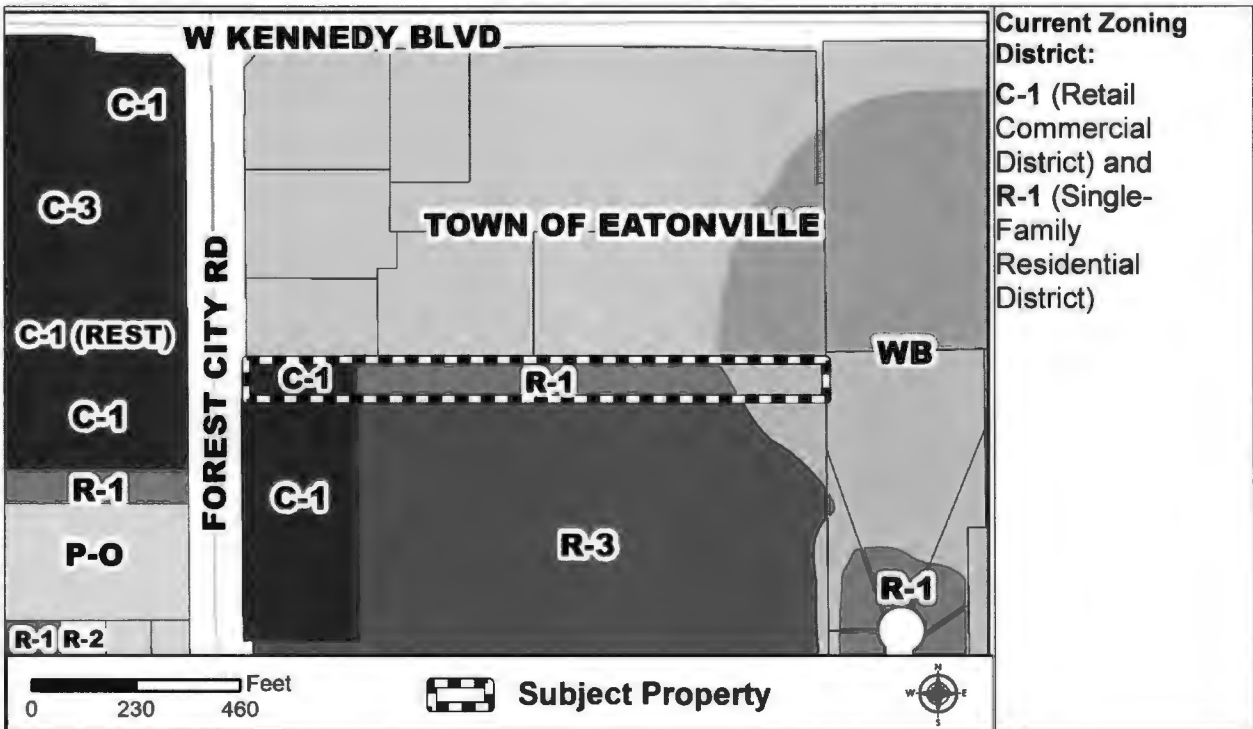


1 inch = 333 feet

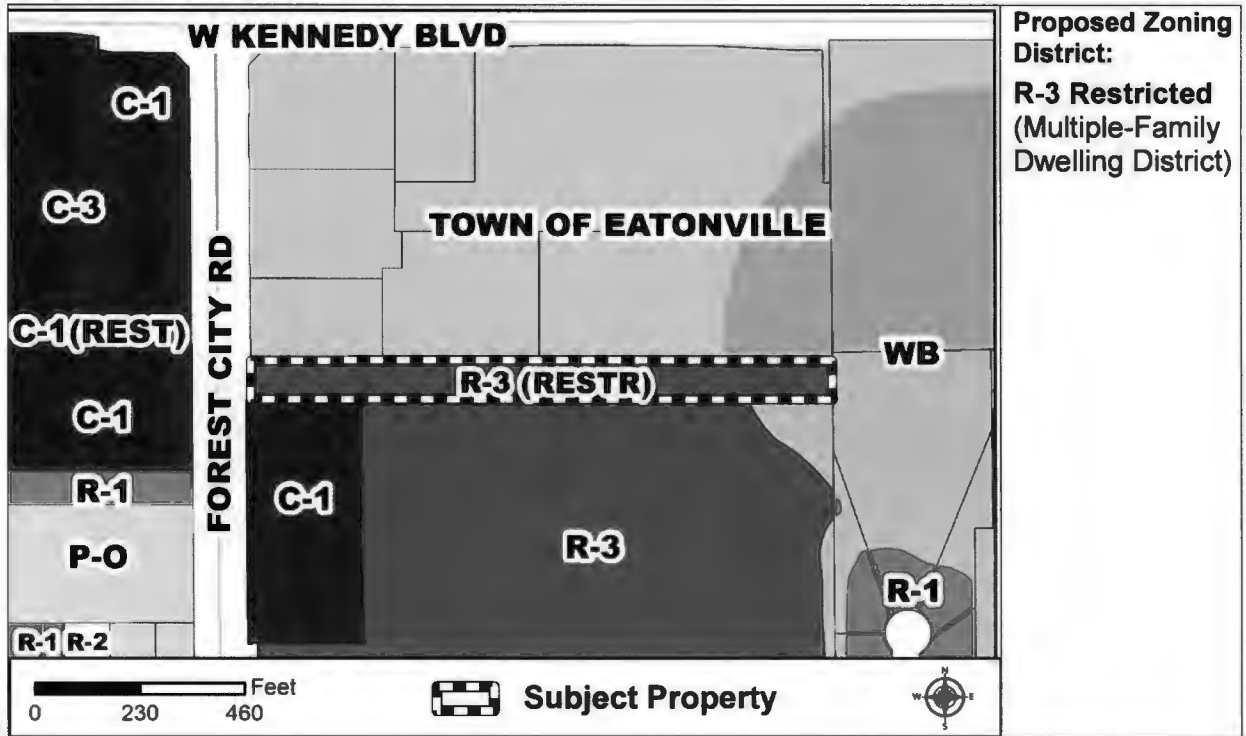
FUTURE LAND USE – CURRENT












ZONING - CURRENT



ZONING - PROPOSED

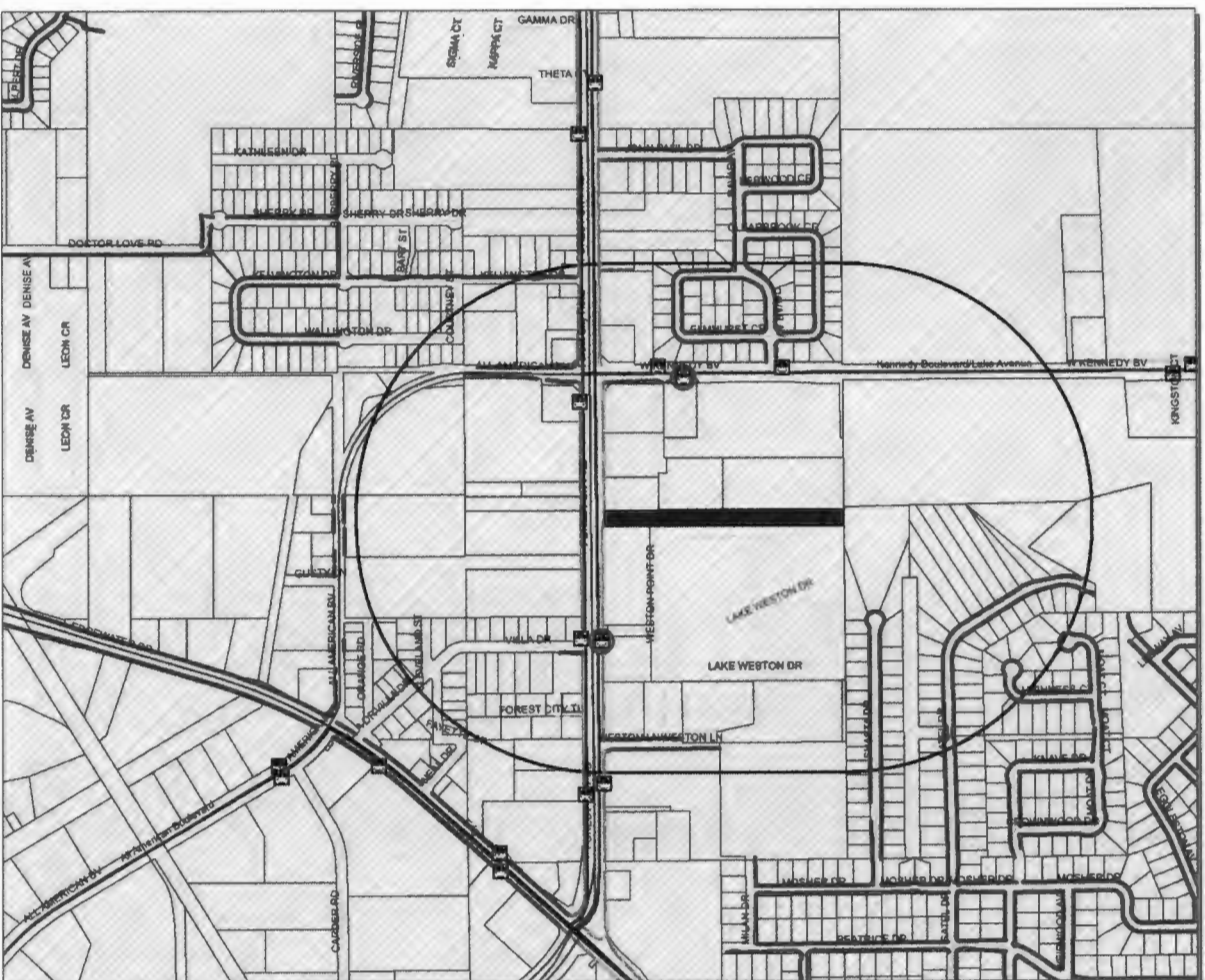


Legend

-  LYNX Bus Stops
 LYNX Bus Stop Shelters
 LYNX Park And Ride
 Major Streets
 City Sidewalk
 County Sidewalk
 Private Sidewalk
 State Sidewalk
 Major Streets
 Streets
 PA_PARCELS_Buffer147
 Parcels
 Alternative Mobility Area
 Parcels



Date: 11/4/2021



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Notification Map

