



**Interoffice Memorandum**

**DATE:** February 18, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

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

**CONTACT PERSON:** Eric Raasch, DRC Chairman  
Development Review Committee  
Planning Division  
(407) 836-5523

**SUBJECT:** March 10, 2020 – Public Hearing  
Planning and Zoning Commission Appeal  
Applicant: Honorio Saucedo  
Appellant: Alison M. Yurko, Esq.  
Case # RZ-20-01-073 / District 3

This is an appeal of a Planning and Zoning Commission recommendation, in which the applicant is seeking to rezone 1.50 gross acres generally located on the south side of Nassau Avenue, approximately 250 feet east of Redditt Road, from A-2 (Farmland Rural District) to R-2 (Residential District). On the original application, the applicant indicated his intent to construct three triplex structures (attached residential dwelling units) for a total of nine units. On January 16, 2020, the Planning and Zoning Commission recommended approval of the request, subject to one restriction, which limited the property to a total of 10 dwelling units.

Subsequent to the PZC meeting, a community meeting was held on February 13, 2020 at Michael McCoy Elementary school. There were 12 residents present at this meeting. During the meeting the applicant and his agent stated their intent to reduce their request from the originally proposed three triplex structures, to one single-family detached residential dwelling unit on each lot for a total of three detached dwelling units.

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

**ACTION REQUESTED:** **Make a finding of consistency with the Comprehensive Plan and approve the requested R-2 (Residential District) zoning, subject to the restriction under the PZC recommendation in the staff report. District 3**

JVW/EPR/sfv  
Attachment

**CASE # RZ-20-01-073**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Honorio Saucedo
<b>OWNER</b>	Honorio Saucedo
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-2</b> (Farmland Rural District) to <b>R-2</b> (Residential District)
<b>LOCATION</b>	Generally located on the south side of Nassau Avenue, approximately 250 feet east of Redditt Road.
<b>PARCEL ID NUMBER</b>	14-23-30-5240-07-021, 14-23-30-5240-07-014, and 14-23-30-5240-07-022
<b>TRACT SIZE</b>	1.50 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-eight (88) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Three (3) triplex (attached residential dwelling units)

**STAFF RECOMMENDATION**

**PLANNING**

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

1. The subject property shall be limited to no more than 10 dwelling units.

**SUBJECT PROPERTY ANALYSIS**

**Overview**

Through this request, the applicant seeks to rezone the three (3) lots totaling 1.50 gross acres from A-2 (Farmland Rural District) to R-2 (residential District) in order to construct three (3) triplex (attached residential dwelling units) for a total of nine (9) units. The

surrounding area consist of varying levels of single-family residential developments as well as a religious institution to the south of the subject property.

**Land Use Compatibility**

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

**Site Analysis**

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zone "D". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comprehensive Plan (CP) Consistency**

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

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

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

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

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

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**GOAL FLU2** states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

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

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District ( 1957) R-1 (Single-Family Dwelling District) ( 1996) E: R-1 (Single-Family Dwelling District) ( 1986) W: A-2 (Farmland Rural District) ( 1957) S: A-2 (Farmland Rural District) ( 1957) <i>*No restrictions apply to the above zoning districts</i>
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Religious Facility

**R-2 Development Standards**

One-Family Dwelling

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

Two Dwelling Units

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

Three Dwelling Units

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

Four or More Dwelling Units

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

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

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the capacity database dated 12/04/2019, there are two failing roadway segments within the project area. Semoran Blvd. from the Beachline to Hoffner Ave. and Hoffner Ave. to Pershing Ave. A traffic study will be required for this project at time of permitting.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Community Meeting Summary**

A community meeting was held for this request on February 13, 2020 at Michael McCoy Elementary School. This meeting was held subsequent to the PZC meeting, at the request of Commissioner Uribe. The meeting was attended by 12 area residents who expressed concerns regarding the design and compatibility of the project with the surrounding area, the condition of the surrounding road network, the need for signalization at the intersection of Redditt Road and Nassau Avenue, concerns with additional septic systems on site, the perception of crime from having additional rental units in the neighborhood, and the perception that the project would reduce property values in the area. The applicant and his authorized agent indicated that they would be willing to reduce their request from three triplex structures (nine dwelling units) to three single-family detached dwelling units on individual lots. The applicant indicated that he will present this change at the Board of County Commissioners' meeting.

**Utilities**

Water:	Orange County Utilities	The nearest watermain connection points are near the intersection of Manatee and Nassau (16-inch) and near the intersection of Redditt and Tidewave (8-inch)
Wastewater:	Orange County Utilities	The nearest wastewater connection points are near the intersection of Manatee and Nassau (6-inch forcemain) and near the intersection of Redditt and Tidewave (8-inch gravity main)

Reclaim Water:                      Orange County Utilities                      Not currently available

**State of Florida Notice**

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

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

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)**

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

- 1) The subject property shall be limited to no more than 10 dwelling units.

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) Zoning. The applicant was present for the hearing and concurred with staff's recommendation. The applicant also provided the Commission with further clarification of project details and answered questions on utilities. There was one (1) member of the public present to speak in opposition to the request.

Staff indicated that eighty-eight (88) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor, and four (4) responses in opposition of the request. In summary, residents viewed the request as inconsistent with the surrounding area and cited concerns with the depreciation of home values, failing roadways, and lack of utilities to meet the demand for the nine (9) proposed units.

Discussion ensued regarding the proposed zoning, the density, and use of septic. A motion was made by Commissioner Fernandez and seconded by Commissioner Abdallah to recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the restriction that limits the subject property to ten (10) dwelling units. The motion carried on a 5-1 vote with Commissioner Spears voting in opposition.

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