



Interoffice Memorandum

September 5, 2023

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

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental and Development
Services Department *Andres*

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

SUBJECT: September 26, 2023 – Public Hearing
Planning and Zoning Commission: Board-Called Rezoning
Applicant: Keral J. Kothari
Case # RZ-23-07-054

This is a Board-called rezoning hearing in which the applicant is seeking to rezone 0.68 acre from A-2 (Farmland Rural District) to R-1A (Single-Family Dwelling District) in order to allow for two homes pending lot split approval. The subject property is located at 1590 Oberry Hoover Road which is generally located south of E. Colonial Drive and west of N. Alafaya Trail, approximately 100 feet south of Iroquois Trail on the west side of Oberry Hoover Road.

On July 20, 2023, the Planning and Zoning Commission (PZC) recommended approval of the request. A community meeting was not required for this application.

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-1A (Single-Family Dwelling District) zoning. District 4

AS/JHS
Attachments

GENERAL INFORMATION

APPLICANT: Keral J. Kothari

OWNERS: Keral J. Kothari, and Jignesh Kothari

HEARING TYPE: Board-Called Rezoning

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

LOCATION: 1590 Oberry Hoover Road; generally located southwest of Oberry Hoover Road and Iroquois Trail, south of Colonial Drive.

PARCEL ID NUMBER: 21-22-31-0000-00-069

SIZE / ACREAGE: 0.68-gross acres

PUBLIC NOTIFICATION: The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-six (76) notices were mailed to those property owners in the surrounding area.

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

PROPOSED USE: Two (2) Single-Family Dwelling Units, pending lot split approval.

STAFF RECOMMENDATION

PLANNING

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

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is located in a residential community located southwest of Oberry Hoover Road and Iroquois Trail, south of Colonial Drive. The property is not platted and is approximately 100 feet wide and 29,793 sq. ft. in lot area. The access for the subject property is located on Oberry Hoover Road.

Through this request, the applicant intends to rezone the property from A-2 (Farmland Rural District) to R-1A (Single-Family Dwelling District) in order to develop two (2) detached

residential units. The current structures on the property will be demolished. The creation of two lots from the pending lot split approval will produce a flag lot. Per OC code 38-1502(b), no dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Also, except to the extent that it may be inconsistent or conflict with a requirement of the subdivision regulations, any lot or parcel created through a division or split of land, shall have access to a roadway that is a minimum of twenty (20) feet in width of and exists in fee simple. Access will be determined by Development Engineering at time of permitting.

The surrounding area is developed as a residential community with large lots ranging in various lot sizes of greeter than 100 feet wide. The A-2 zoning district requires a minimum lot width of 100 feet. The property to the north of the subject site was approved to rezone in 2006 (RZ-06-04-056), from A-2 to R-1AAA, which requires a min of 95 feet. The subject property cannot achieve the R-1AAA 95-foot lot width requirement as the proposed rear parcel will require 20 feet of access to a roadway. The compatible R-1A zoning district requires a minimum of 75' wide lots and will permit the subject property to meet all the applicable setbacks for the zoning district.

Development on this property will be reliant on septic tanks for wastewater disposal.

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 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 Low Density Residential (LDR). The proposed R-1A (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

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

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

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

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

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

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

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

SITE DATA

| | |
|---------------------------|---|
| Existing Use | Residential home |
| Adjacent Zoning | N: R-1AAA (Residential Urban District) (2006) |
| | E: A-2 (Farmland Rural District) (1957) |
| | W: A-2 (Farmland Rural District) (1957) |
| | S: A-2 (Farmland Rural District) (1957) |
| Adjacent Land Uses | N: Residential |
| | E: Residential |

W: Residential

S: Residential

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

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

Building Setbacks

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

Intent, Purpose, and Uses

The areas included within R-1-AA and R-1-A single-family dwelling districts are intended to be single-family residential areas with large lots and low population densities. Certain structures and uses required to serve educational, religious, utilities and noncommercial recreational needs of such areas are permitted within the districts as special exceptions.

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

** 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.

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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

Transportation / Access

Two single family detached dwelling units are a de minimis impact to the roadways.

Schools

Two residential homes 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:

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

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

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

State of Florida Notice

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

Specific Project Expenditure Report and Relationship Disclosure Form

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

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – July 20, 2023

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

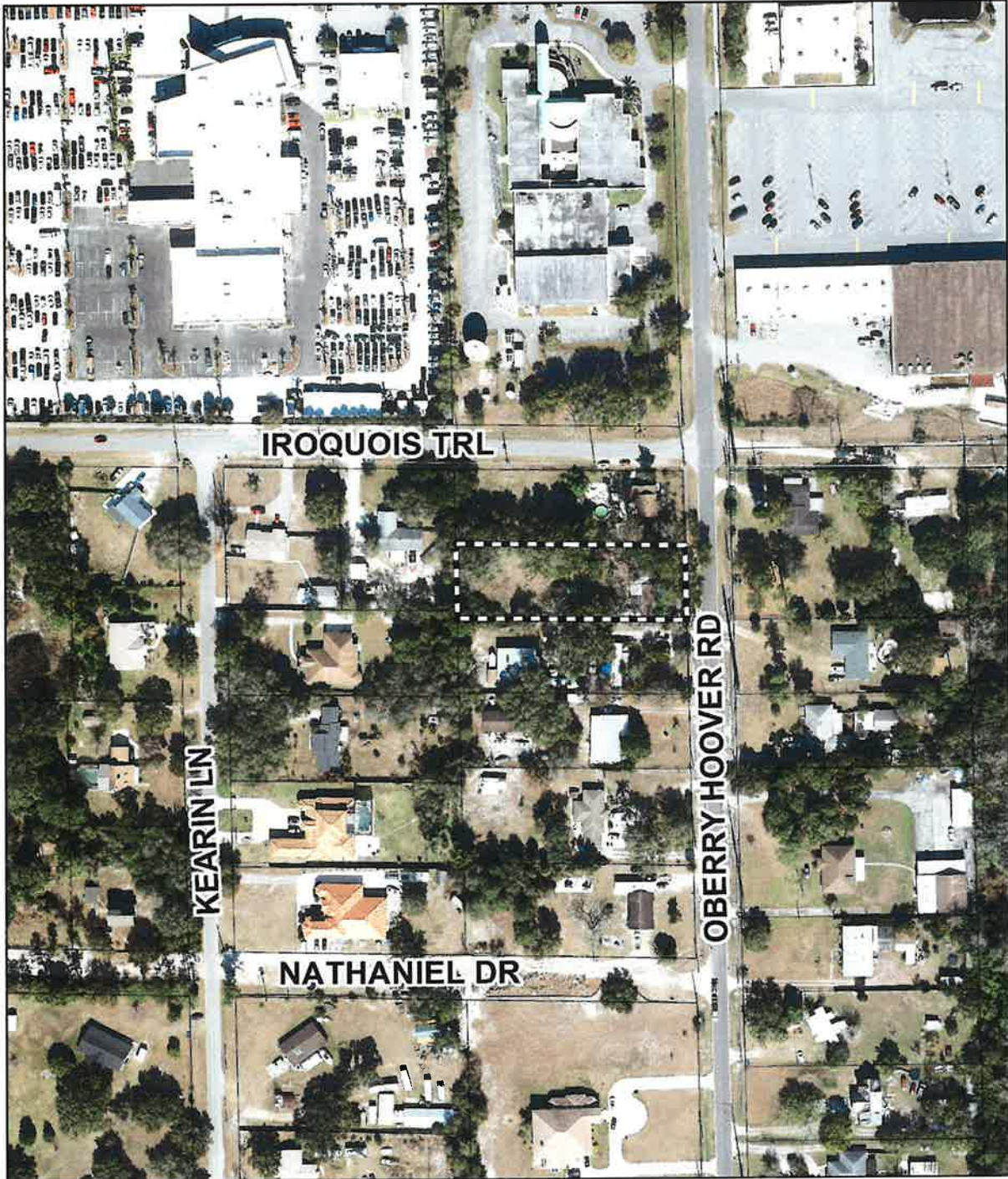
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The applicant's Agent was present and agreed with the staff recommendation. One member of the public appeared during public comment of the request. The resident reiterated the general concern of other neighbors in the area to keep the community rural in nature and oppose the request for smaller lot sizes.

Staff indicated that seventy-six (76) notices were sent to property owners and residents extending beyond 700 feet surrounding the property, and that staff had received seven (7) responses in opposition of the request and zero (0) response in favor.

After discussions relating to compatibility and wastewater availability for the site, a motion was made by Commissioner Pavon, and seconded by Commissioner Evans to recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning. The motion carried 5-1.

| | |
|-----------------------------|---|
| Motion / Second | <i>Walter Pavon / Camille Evans</i> |
| Voting in Favor | <i>Walter Pavon, Camille Evans, Evelyn Cardenas, Michael Arrington, and Nelson Pena</i> |
| Voting in Opposition | <i>Gordon Spears</i> |
| Absent | <i>David Boers, George Wiggins, and Eddie Fernandez</i> |

RZ-23-07-054



 Subject Property

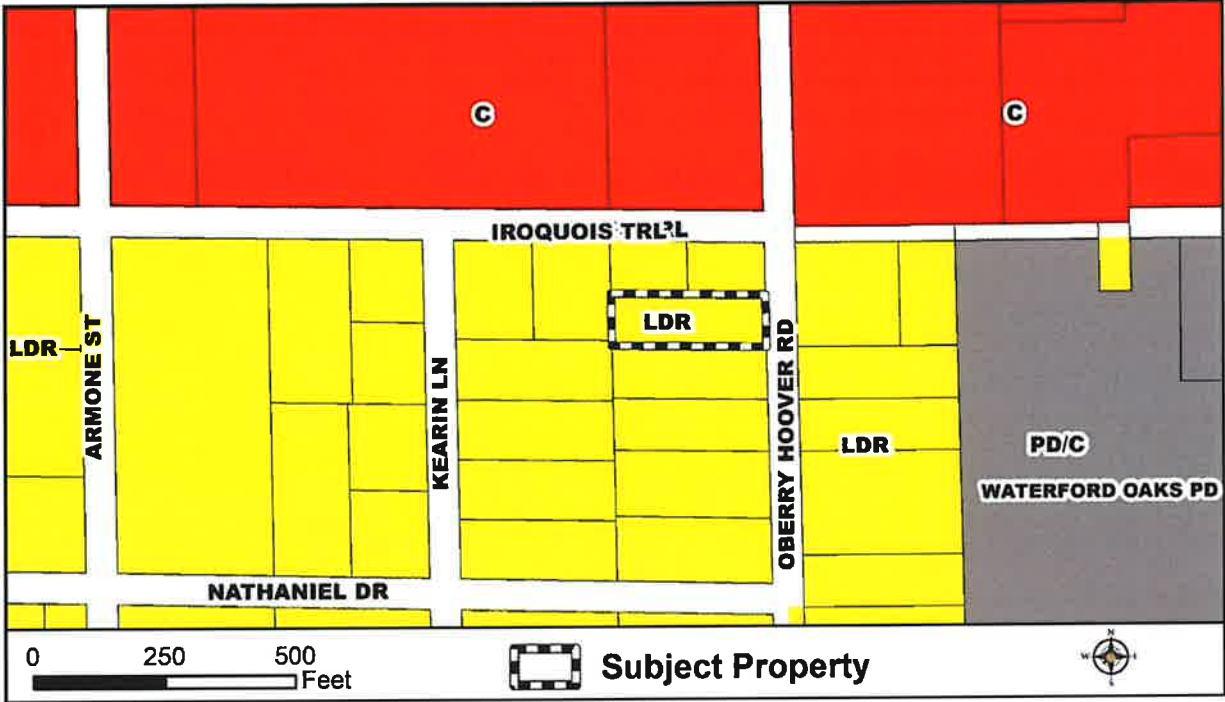


0 150 300 Feet

A horizontal scale bar with three segments. The first segment is labeled '0', the second '150', and the third '300'. The word 'Feet' is written at the end of the bar.

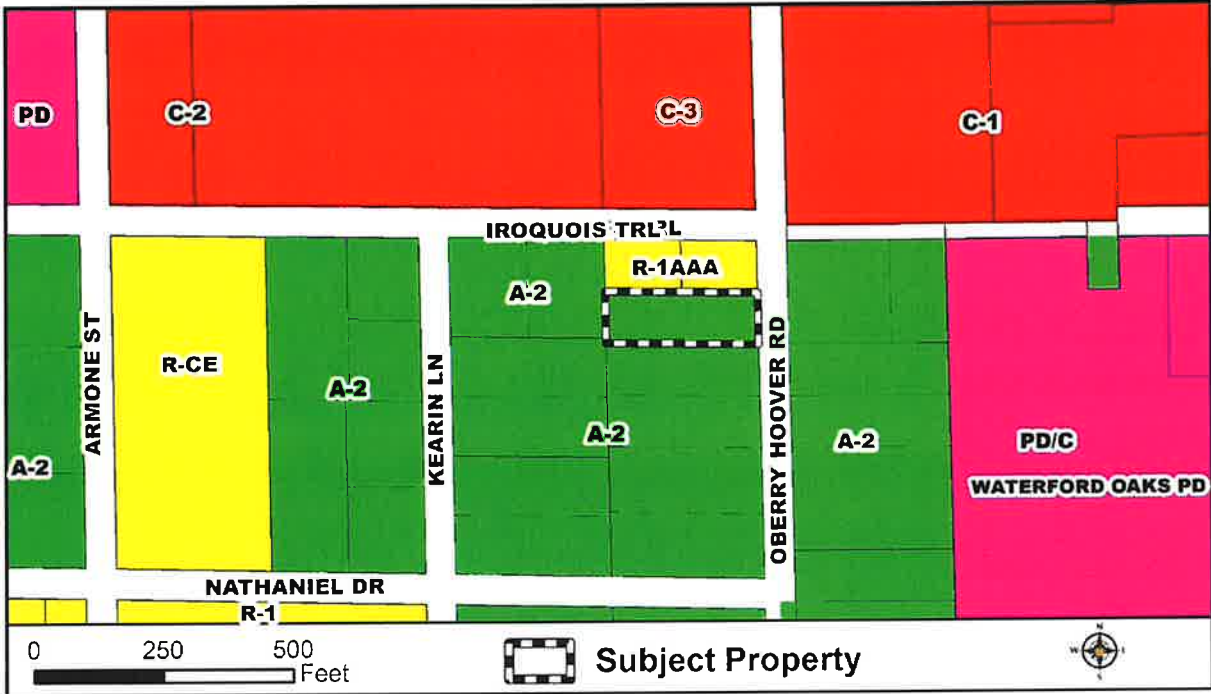
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



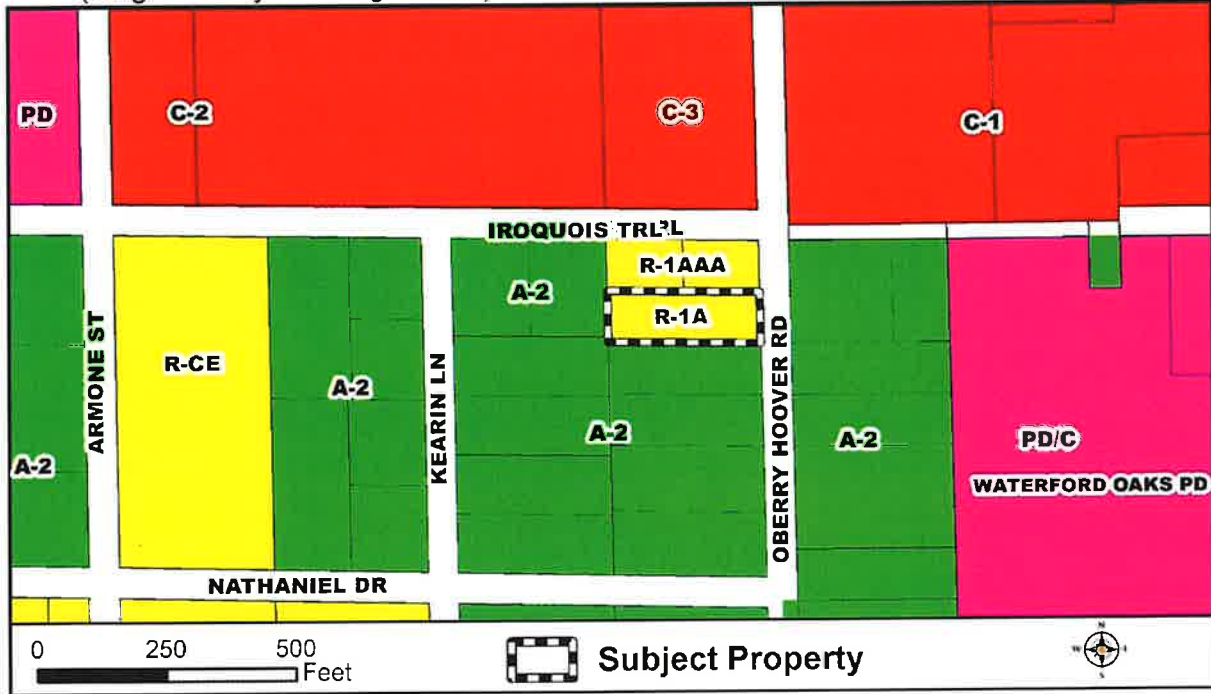
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

R-1A (Single-Family Dwelling District)

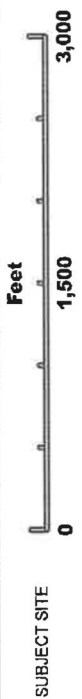
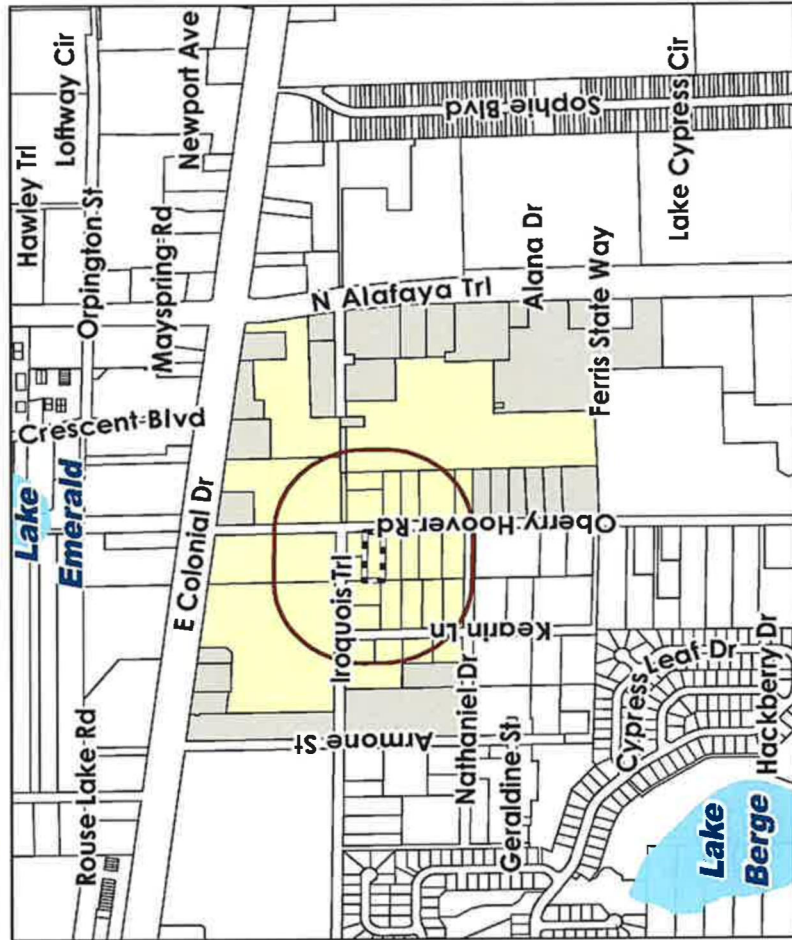


NOTIFICATION MAP



Public Notification Map

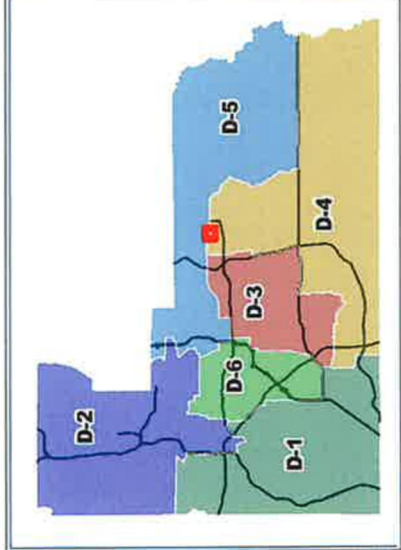
RZ-23-07-054



MAP LEGEND

| | |
|--|------------------|
| | SUBJECT SITE |
| | 500FT_BUFFER |
| | 1_MILE_BUFFER |
| | HYDROLOGY |
| | PARCELS |
| | NOTIFIED PARCELS |
| | COURTESY PARCELS |

BUFFER DISTANCE: 500
OF NOTICES: 76



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