

Case Planner:
Justin Lee

Rezoning and Small-Scale Amendment Staff Report
Orange County Planning Division
BCC Hearing Date: June 3, 2025

CASE# SS-25-02-071 & LUP-24-12-295

Commission District: 3

GENERAL INFORMATION

APPLICANT	Rebecca Wilson
OWNER	1700 S. Bumby, LLC
HEARING TYPE	Local Planning Agency / Planning & Zoning Commission
PROJECT NAME	Hourglass South Townhomes Land Use Plan
FLUM REQUEST	Low-Medium Density Residential (LMDR) & Commercial (C) to Medium-High Density Residential (MHDR)
ZONING REQUEST	C-1 (Retail Commercial District) & R-1A (Single-Family Dwelling District) to PD (Planned Development District)

To rezone 1.86 acres from R-1A (Single-Family Dwelling District) and C-1 (Retail Commercial District) to PD (Planned Development District) with a proposed development program of up to 29 single-family attached residential dwelling units. In addition, the applicant is requesting the following eight (8) waivers from Orange County Code:

1. A waiver is requested from Orange County Code Section 38-79(20)(f)(2) to allow a minimum lot size of 1090 sf in lieu of 2,000 sf.

Applicant Justification: This waiver is requested to provide a product and layout consistent with typical urban infill townhome developments. Additionally, right-of-way (ROW) dedications along two frontages of a small site preclude property owner from enjoyment of property if current lot size criteria are applied to this small/infill site. The site is smaller after ROW dedications that are required by the County.

2. A waiver is requested from Orange County Code Section 38-79(20)(f)(3) to allow front yard setbacks of 6.5 feet in lieu of 20 feet for lots fronting Henderson Drive and South Bumby Avenue ROWs and to allow front yard setbacks of 5.5' in lieu of 20 feet for interior lots.

Applicant Justification: Reduced front yard setbacks are requested for two reasons: 1) ROW is being dedicated along Henderson Drive and S Bumby Avenue as a part of this development, and 2) interior lots are fronting mews or other public spaces, such as a park or playground. The reduced front yard setback makes more land available for the resident's and public's enjoyment within the development.

3. A waiver is requested from Orange County Code Section 38-79(20)(f)(4) to allow minimum side yard setback of 5 feet in lieu of 10 feet for end units.

Applicant Justification: Reduced side yard setbacks are requested within the development in locations where pedestrian facilities are proposed to improve safety and circulation. This is also to account for vehicular facilities to meet required visitor parking.

4. A waiver is requested from Orange County Code Section 38-79(20)(f)(5) to allow a side street yard setback of 11.2 feet in lieu of 15 feet for the northeast corner lot bordering both the Henderson Drive and Bumby Avenue right-of-ways.

Applicant Justification: This reduced side yard setback is requested for the northeastern most lot that is fronting both S Bumby Avenue and Henderson Drive due to the 5' wide ROW dedication along Henderson Drive which has been required by the County.

5. A waiver is requested from Orange County Code Section 38-79(20)(f)(6) to allow a minimum rear yard setback of 5 feet in lieu of 20 feet.

Applicant Justification: This waiver request is being made to provide a product and layout consistent with typical urban infill townhome developments and also to provide the rear access alleyways for garage access.

6. A waiver is requested from Orange County Code Section 38-79(20)(f)(9) to allow a maximum building height of 40 feet / 3 stories in lieu of a maximum building height of 35 feet.

Applicant Justification: Taller building height enables a more urban design for the property which

is better aligned with the Curry Ford Vision Plan and new development within the area.

7. A waiver is requested from Orange County Code Section 38-79(20)(f)(10) to allow a maximum lot coverage of 87 percent in lieu of 75 percent.

Applicant Justification: This waiver request is being made to provide a product and layout consistent with typical urban, infill townhome developments on a small site that is donating right-of-way to the county along two frontages.

8. A waiver from Orange County Code Section 38-1254(a)(1) to allow building setbacks in a PD of 6.5 feet in lieu of 25 feet for lots fronting the Henderson Drive or S Bumby Avenue right-of-ways and to allow a building setback of 10' in lieu of 25' for lots abutting commercially zoned properties.

Applicant Justification: ROW dedications along two frontages of a small site preclude property owner from enjoyment of property if current PD setback criteria applied to this small site.

LOCATION

1700 S. Bumby Avenue; generally located north of Carlton Drive, south of Henderson Drive, west of S. Bumby Avenue, east of Cloverlawn Avenue.

PARCEL ID NUMBERS

06-23-30-1432-02-010; 06-23-30-1432-02-041;
06-23-30-1432-02-030

TRACT SIZE

1.86 gross acre

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]. Two hundred fifty-eight (258) notices were mailed to those property owners in the mailing area.

COMMUNITY MEETING

A community meeting was scheduled and held on February 18, 2025. The applicant and 14 members of the public were present. None were opposed but raised concerns related to flooding and traffic from the site.

PROPOSED USE

29 townhome units

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Medium High Density Residential (MHDR) Future Land Use.

Rezoning

Development Review Committee – (April 2, 2025)

Make a finding of consistency with the Comprehensive Plan and APPROVE the Hourglass South Townhomes Planned Development / Land Use Plan (PD/LUP), dated “received April 2, 2025”, subject to the following conditions:

1. Development shall conform to the Hourglass South Townhomes Land Use Plan (LUP) dated "Received April 2, 2025" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 2, 2025" the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, as may be amended, 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, or any other

development order, 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.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Any development associated with this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Henderson Drive and South Bumby Avenue. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
8. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be accepted without

the need for a Phase Two ESA prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval.

9. A mandatory pre-application/sufficiency review (Sec 34-67) meeting for any Preliminary Subdivision Plan (PSP) shall be required prior to Technical Review Group (TRG)/Development Review Committee (DRC) submittal. The applicant shall resolve, to the County's satisfaction, all items as identified in the pre-application/sufficiency review meeting prior to formal submittal of the PSP to the DRC Office.
10. Should private infrastructure be contemplated at the preliminary subdivision plan submittal, the following Conditions Shall apply: Private Subdivision Criteria/Conditions of Approval (a through h):
 - a. Internal private streets/roads (aka alleys) and stormwater facilities/systems must be owned and maintained by the Home Owners Association "HOA" as defined within Chapter 34, Article VIII.
 - b. Access-easement rights over the alleys must be dedicated or otherwise granted to the owners of each lot within the subdivision and to all their successors in interest.
 - c. Any plat or replat associated with the subdivision must contain dedication language expressly stating: No part, except as noted, of said lands is dedicated to Orange County or to the Public. None of the property designated "Common Area" on this plat is required for public use; and any such "common area" is not and will not be a part of the Orange County system of public roads. Said "common area" is instead part of the association "common area" created by this plat and will be subject to the declaration of covenants conditions and restrictions.
 - d. Prior to recording of the plat, a traffic law enforcement agreement pursuant to Section 34-290(h)(16) between Orange County and the Developer/HOA for private streets/roads within the subdivision must be executed and approved by the board of county commissioners.
 - e. Prior to recording of the plat, a Developers Agreement between Orange County and the Developer/HOA for stipulated funding of accounts as prescribed in Section 34-291.
 - f. Simultaneous with the recording of the subdivision plat, the developer must record in the public records of Orange County, Florida, a document or documents (referred to in this article as the "declaration"). The declaration shall govern all platted lots within the subdivision, shall impose requirements and restrictions that run with the land, and shall address the responsibilities for the ongoing maintenance and repair of the subdivision infrastructure. The terms of the declaration shall be, to the county's satisfaction, legally sufficient and enforceable to accomplish or otherwise ensure, at a minimum, the following:

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- 1) Require the establishment and maintenance of an HOA account for annual routine maintenance and repair of the alleys, sidewalks, and drainage system, including stormwater detention/retention areas (referred to in this article as the "routine-infrastructure-maintenance account"), and impose the restrictions and requirements set forth in Section 34-291, County Code regarding that account.
- 2) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's streets (referred to in this article as the "capital-repair/streets account"), and impose the restrictions and requirements set forth in Section 34-291 regarding that account.
- 3) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's stormwater retention/detention facilities (referred to in this article as the "capital-repair/drainage pond account") and impose the requirements and restrictions set forth in Section 34-291 regarding that account.
- 4) Require the establishment and maintenance of an HOA account for major capital repair and replacement of other subdivision infrastructure such as sidewalks, stormwater conveyance systems, curbing, bike paths, etc., (referred to in this article as the "capital-repair/other infrastructure account") and impose the requirements and restrictions set forth in Section 34-291 regarding that account.
- 5) Require the establishment and maintenance of an HOA account for storm debris clean-up and removal, such as clearing downed trees, landscape, and other storm-created debris from the subdivision's alleys, sidewalks and drainage facilities, (referred to in this article as the "storm debris removal account") and impose the requirements and restrictions set forth in Section 34-291 regarding that account.
- 6) Require that:
 - a) No earlier than one hundred eighty (180) days before turnover of control of the HOA" and/or "transfer of control of subdivision infrastructure, as defined within Chapter 34, Article, VIII, the HOA must retain the services of a Florida registered engineer experienced in subdivision construction (other than the engineer of record for the subdivision as of the date of the county's approval of the subdivision infrastructure construction plans, and engineers who are principals of, employed by, or contractors of the same firm as the engineer of record) to inspect the alleys, sidewalks and drainage system, including stormwater detention/retention areas in accordance with the existing approved plans, and prepare a report recommending the amount of scheduled maintenance and unscheduled repair that likely will be needed each year for the alleys, sidewalks and drainage system (including stormwater detention/retention areas), in accordance with standards that may be established and revised from time to time by the County Engineer or his or her designee, which recommends the amounts of

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money that should be deposited each year in the routine-infrastructure-maintenance account, and determining what repairs, if any, are needed prior to turnover of the HOA;

- b) The report be signed and sealed by the engineer;
 - c) The HOA pay the cost of this initial engineer's report, and the HOA may pay such cost from the routine-infrastructure-maintenance account;
 - d) A copy of the initial engineer's report be provided to all owners of lots, blocks, and tracts in the subdivision and to the County Engineer within fifteen (15) days after it is completed;
 - e) Any needed repairs or replacements identified by the report be completed by the developer, at the developer's sole expense, prior to either the developer's turnover of the HOA to the property owners of the subdivision or transfer of control of subdivision infrastructure to the HOA, whichever occurs first; and
 - f) If turnover of the HOA and/or transfer of control of subdivision infrastructure occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, and any and all owners of land in the subdivision to enforce these requirements against the developer shall survive the turnover of the HOA, with the prevailing party to be entitled to attorneys' fees and costs.
- 7) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure:
- a) The HOA obtain an inspection of the alleys, sidewalks and drainage systems, including stormwater detention/retention areas, by a Florida-registered engineer experienced in subdivision construction no less frequently than once every three (3) years after the initial engineer's inspection; and
 - b) Using good engineering practice, and in accordance with standards that may be established and revised from time to time by the County Engineer or his or her designee, or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the inspection determine the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next three (3) years in the routine-infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed;
 - c) That the inspection be written in a report format;

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- d) A copy of each engineering report be provided to each owner of property in the private subdivision within fifteen (15) days of completion of the report; and
- e) Within one hundred eighty (180) days of receipt of each tri-annual engineering report, the HOA is to complete all remedial work identified and recommended by the engineer.
- 8) The developer (so long as the developer retains control of the board of directors of the HOA) and the HOA expressly indemnify and hold Orange County and its officers and employees harmless from any cost of maintenance, repair, and reconstruction of, or tort liability or award of damages related to or arising in connection with, the alleys, sidewalks, drainage system (including stormwater retention/detention area), and/or any other subdivision infrastructure.
- 9) Expressly declare that property owners receive no discount in property or other taxes because of private streets or drainage system.
- 10) Require that each initial purchaser of a residential lot in the private subdivision for the personal or family use of the purchaser receive a copy of the declaration at or prior to the time the sales contract is executed, together with the current budget for the HOA, including a schedule disclosing the then-existing amounts of the periodic assessments for each of the HOA accounts required by Section 34-291 and a copy of the most recent year-end financial statement for the HOA, and if none are then existing, a good faith estimate of the HOA operating budget, along with a form to be signed by such initial purchaser acknowledging receipt of a copy of the declaration, budget, financial statement or good faith estimate, and that the original of the form acknowledging receipt of a copy of the declaration is to be attached to the sales contract as an exhibit or appendix. In addition, the declaration shall conspicuously set forth the ten (10) disclosures provided in the disclosure statement required in Section 34-290(k).
- 11) Require that at the time of sale to the initial homebuyer, a schedule disclosing the then-existing amounts of the periodic assessments for the HOA accounts required by Section 34-291. Such schedule must also state that the periodic assessments for the HOA accounts required by Section 34-291 do not include assessments for either the routine maintenance of or the capital repair and replacement of HOA facilities not related to subdivision infrastructure (such as common area landscaping, walls, swimming pools, clubhouses, parks, other recreation areas, etc.).
- 12) Require that the HOA carry an insurance policy insuring itself from liability for damages related to or arising in connection with the alleys, sidewalks, drainage system (including detention/retention areas). The minimum amount of insurance required shall be established by resolution of the board of county commissioners.

- 13) Require that enforcement of traffic laws within the subdivision, as requested by the HOA, shall be by the sheriff and that all costs of enforcement incurred by the sheriff shall be paid by the HOA.
- g. No contract for the sale and purchase of a residential lot or home in the private subdivision shall be effective until the private subdivision cost disclosure statement ("disclosure statement") in substantially the following form has been provided to and executed by such purchaser: Private Subdivision Cost Disclosure Statement If you are buying a lot or home in a private subdivision in Orange County you should know these basic facts:
 - 1) Orange County is prohibited from paying to maintain the roads, sidewalks and drainage and may not be permitted to remove storm debris in this community because the roads, sidewalks, and drainage are private property and the general public cannot access the community.
 - 2) Although the cost of properly maintaining and repairing roads, sidewalks and drainage systems can be very high, only the owners of homes and lots in this community will share these expenses. Tax dollars will not be used. The members must also pay for the cost of liability insurance and traffic enforcement on the community's roads.
 - 3) Under Florida law, no reduction in your tax burden will result from living in this community.
 - 4) Members of this community, through their mandatory homeowners' association, must set aside adequate reserves to pay for storm debris removal in the event of tornado, hurricane, or other major storm event, to properly maintain, repair and replace the roads, sidewalks, and drainage system, and must have a professional engineer regularly inspect the roads, sidewalks and drainage system and report what work is necessary to maintain and/or repair them. The mandatory homeowners' association is obligated to do the necessary work reported and the members of the homeowners' association pay for the work through their assessments.
 - 5) The extra expenses you incur to maintain the roads, sidewalks and drainage in your community are in addition to other expenses charged by your homeowners association to pay for private recreational, security and other amenities and services the community may offer.
 - 6) As with any assessment, the failure or inability to pay may lead to a lien being placed on your home. If a lien is placed and foreclosed, you could lose your home.
 - 7) The homeowners association is also required to maintain liability insurance adequate to pay claims for injuries and property damage arising on the alleys, sidewalks, drainage systems, and other common areas in the subdivision/neighborhood.

- 8) Before you sign a contract be sure that you receive written information about the costs of living in this community.

I have read and understand the disclosures provided in this disclosure statement prior to execution of a contract to purchase any lot in the [insert name of development] subdivision.

[signature of purchaser] [signature of purchaser]

[print name of purchaser] [print name of purchaser]

The disclosure statement shall be in conspicuous type and shall be contained in a single document which shall be provided to the purchaser separately from the contract for purchase and sale and the other documents required by Section 34-290(h)(12). The disclosure type shall be conclusively deemed conspicuous if it is all uppercase letters and typed in at least twelve-point typeface. In the case of sale and purchase of multiple lots to a single purchaser in a private subdivision, execution of a single disclosure statement is sufficient, provided that all lots are listed on the disclosure statement either by legal description or by street address.

- h. The declaration setting forth the requirements outlined above must be in form acceptable to the county and in substance consistent with and in compliance with the minimum requirements of the conditions of approval associated with this development. The declaration must be submitted for review by the county prior to plat recording. Nothing herein precludes the declaration from addressing other matters so long as the substance of each part of the declaration is not inconsistent with the requirements of the conditions of approval.
11. Prior to any construction plan approval related to any preliminary subdivision plan and/or development plan within this PD, a master drainage plan consistent with Orange County Code 30-282 and/or 34-229 must be submitted and approved as a separate E-Plan. Such master drainage plan must consider and provide for offsite capacity necessary to accommodate any runoff generated from the development of the site.
12. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. A minimum of 20% transparency for both ground floor and upper stories shall be provided on all building facades facing S Bumby Avenue and Henderson Drive. Ground floor transparency must be provided between 2 and 12 feet above finished floor elevation.

16. Pursuant to Article XII, Chapter 30, Orange County Code, as may be amended, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
17. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any 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., as may be amended.
18. This Development shall connect to central water service from Orlando Utilities Commission.
19. This Development shall connect to central wastewater service from City of Orlando. This Development shall not be permitted to utilize septic systems or distributed wastewater treatment systems.
20. If privately owned and maintained water and/or wastewater infrastructure is proposed with the subsequent Preliminary Subdivision Plan, the following conditions apply and the applicant / owner has an affirmative obligation to expressly notify potential purchasers, through the appropriate mechanism, including a conspicuous note on the plat and on the Conditions, Covenants, and Restrictions (CC&Rs) for this project, of the following:

The HOA shall establish a lift station maintenance and replacement fund. This maintenance and replacement account shall be identified in the CC&Rs for the development and shall be funded by the HOA members as part of their dues. The CC&Rs shall require this reserve account to maintain a minimum balance equivalent to 10% of the lift station replacement costs and shall be funded by the HOA members as part of their dues. The CC&Rs shall require the account to be sufficiently funded to provide a complete lift station replacement on twenty (20) year cycles.

The HOA shall establish a reserve account equivalent to ten percent (10%) of the wastewater construction costs. This reserve account shall be identified in the Covenants, Conditions and Restrictions (CC&Rs) for the development and shall be initially funded concurrently with the creation of the HOA. The CC&Rs shall require this reserve account to maintain a minimum balance equivalent to 10% of the wastewater construction costs and shall be funded by the HOA members as part of their dues.

The HOA shall establish a reserve account equivalent to ten percent (10%) of the water construction costs. This reserve account shall be identified in the Covenants, Conditions and Restrictions (CC&Rs) for the development and shall be initially funded concurrently with the creation of the HOA. The CC&Rs shall require this reserve account to maintain a minimum balance equivalent to 10% of the water construction costs and shall be funded by the HOA members as part of their dues.

21. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-79(20)(f)(2) to allow a minimum lot size of 1090 square feet in lieu of 2,000 sf.
- b. A waiver from Section 38-79(20)(f)(3) to allow front yard setbacks of 6.5 feet in lieu of 20 feet for lots fronting Henderson Drive and South Bumby Avenue ROWs and to allow front yard setbacks of 5.5 feet in lieu of 20 feet for interior lots.
- c. A waiver from Section 38-79(20)(f)(4) to allow minimum side yard setback of 5 feet in lieu of 10 feet for end units.
- d. A waiver from Section 38-79(20)(f)(5) to allow a side street yard setback of 11.2 feet in lieu of 15 feet for the northeast corner lot bordering both the Henderson Drive and Bumby Avenue right-of-ways.
- e. A waiver from Section 38-79(20)(f)(6) to allow a minimum rear yard setback of 5 feet in lieu of 20 feet.
- f. A waiver from Section 38-79(20)(f)(9) to allow a maximum building height of 40 feet / 3 stories in lieu of a maximum building height of 35 feet.
- g. A waiver from Section 38-79(20)(f)(10) to allow a maximum lot coverage of 87 percent in lieu of 75 percent.
- h. A waiver from Section 38-1254(a)(1) to allow a PD Boundary setback of 6.5 feet in lieu of 25 feet for lots fronting the Henderson Drive or South Bumby Avenue right-of-ways and to allow a PD Boundary setback of 10 feet in lieu of 25 feet for lots abutting commercially zoned properties.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is requesting a Small-Scale Future Land Use Map (FLUM) Amendment to change the FLUM designation of the subject property from Low-

Medium Density Residential (LMDR) & Commercial (C) to Medium-High Density Residential (MHDR) to allow for 29 townhome units.

The subject property is currently a warehouse. This section of Bumby Avenue is predominantly C-1 and R-2 uses.

Existing FLUM Development Program

The existing development program would allow for residential development, potentially, at a rate of up to ten (10) dwelling units per acre, and commercial development, potentially, at a rate of up to 1.5 FAR. The existing R-1A & C-1 zoning district does not allow for townhomes.

Proposed FLUM Development Program

The proposed MHDR FLU designation would allow for 35 dwelling units per acre.

Land Use Compatibility

The proposed PD zoning would allow for development that is compatible with the character of the surrounding area, consistent with adjacent uses, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	TPSC(s) no permit/outside storage on C-1. A mini bus parked at incident address that operates as a bike repair business.

Comprehensive Plan (CP) Consistency

The proposed PD zoning is consistent with the proposed Medium-High Density Residential designation. Additionally, 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.

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

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.

FLU8.2.11 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: Warehouse

Adjacent	FLUM	Zoning
North	C / LMDR	C-1 (Retail Commercial District) / R-2 (Residential District)
South	C / LMDR	R-3 (Multiple-Family Dwelling District) / C-1 (Retail Commercial District)
East	LMDR	R-2 (Residential District)
West	LMDR	R-1A (Single Dwelling District)

Adjacent Land Uses: N: Commercial

E: Residential

W: Vacant

S: Offices

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback

Front Setback (East, Bumby Avenue): 6.5 feet *waiver request

Rear Setback (West): 31.6 (Min.) feet *waiver request

Side Setback (North, Henderson Drive): 6.5 feet *waiver request

Side Setback (South): 10 (Min.) feet *waiver request

Maximum Building Height: 40 feet *waiver request

Minimum Building Setbacks

Front Setback: 5 feet *waiver request

Rear Setback: 5 feet *waiver request

Side Setback: 5 feet *waiver request

Side Street Setback: 11 feet

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comments below table.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Capacity is available.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Environmental Comments:

Enhanced Septic/Sewer Requirement - This site is located within the Lake Okeechobee Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a Pollution Reduction Plan (PRP) Area and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended; Within a BMAP Area, a RAP Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Proximity to FDEP Cleanup Site - Proximity to parcels with known FDEP cleanup sites associated with the CITGO FOOD MART located within the project site. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any 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

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 or AsbestosInquiriesOrangeCounty@ocfl.net. 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).

Transportation Comments:

The Applicant is requesting to change ~1.86 acres from C & LMDR to MHDR and rezone from C-1 & R-1A to P-D to allow 38 townhome units.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in a decrease of 15 pm peak trips and therefore will not impact the area roadways. The subject property is located at 1700 S. Bumby Avenue. Based on the Concurrency Management System (CMS) database dated 01/08/2025, Michigan Ave from Bumby Ave to Crystal Lake Dr currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

Roadway Capacity Analysis

A Traffic Study was not submitted with the case for review and comment. Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Community Meeting Summary

A community meeting was held on February 18th at Blankner Elementary School. The applicant and 14 members of the community were in attendance. Many residents supported the continuing improvement of the site. A few people wanted to know how the development would impact flooding on Henderson Drive and traffic on Bumby Avenue. The applicant stated he is willing to make modifications based on resident requests and welcomed members of the community to meet with him.

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaimed Water: City of Orlando

Detailed Utility Comments:

This property is within the Orlando Utilities Commission Water Service Area.

This property is within the City of Orlando Wastewater and Reclaimed Water Service Area.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (April 24, 2025)

Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Medium High Density Residential (MHDR) Future Land Use.

Make a finding of consistency with the Comprehensive Plan and APPROVE the Hourglass South Townhomes Planned Development / Land Use Plan (PD/LUP), dated “received April 2, 2025”, subject to the conditions listed.

Board of County Commissioners (BCC) Recommendation – (May 20, 2025)

The applicant requested to continue this item to the June 3 BCC hearing. The Board approved the applicant’s request.

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 ADOPTION of the requested Medium High Density Residential (MHDR) Future Land Use Designation, and APPROVAL of the Hourglass South Townhomes Planned Development / Land Use Plan (PD/LUP) zoning. The applicant was present and did agree with the staff’s recommendation. No residents were present to speak in opposition to the request. After public comments, the PZC members discussed compatibility.

Future Land Use Map Amendment

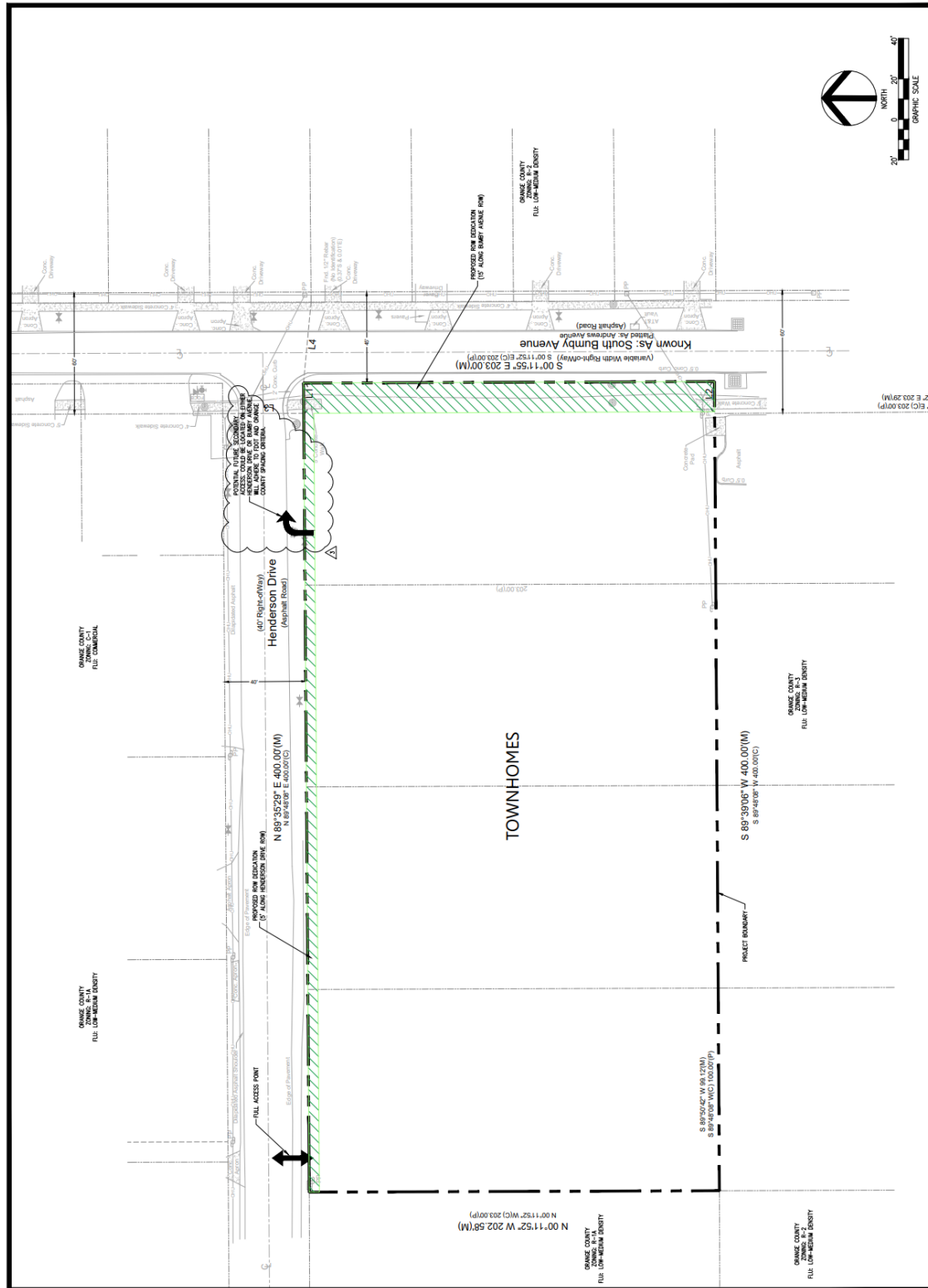
Motion / Second *Gray/Holt*

Voting in Favor *Cardenas /Boers /Wiggins*

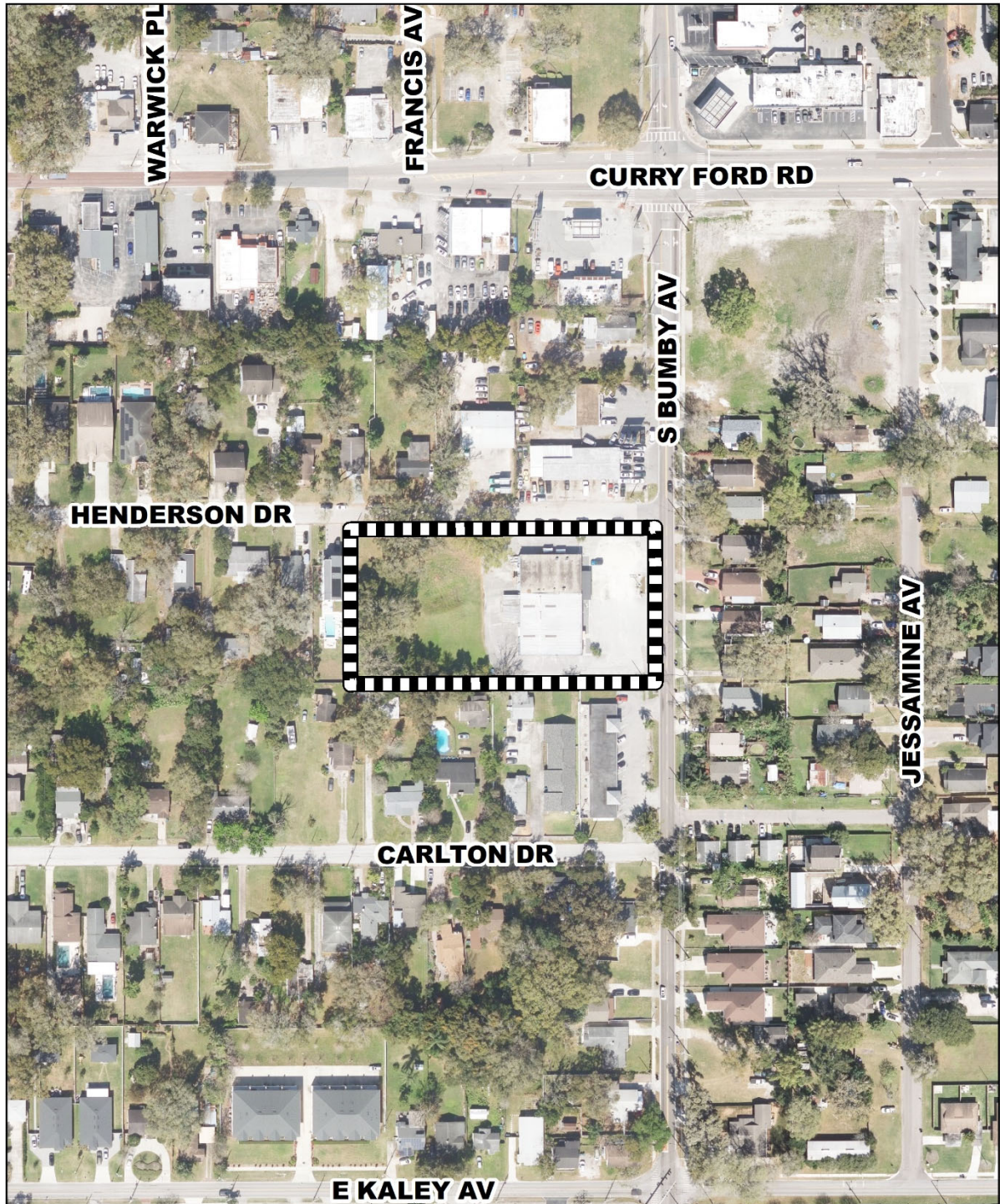
Rezoning

Motion / Second *Gray/Holt*

Voting in Favor *Cardenas /Boers /Wiggins*



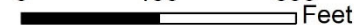
SS-25-02-071 & LUP-24-12-295



 Subject Property

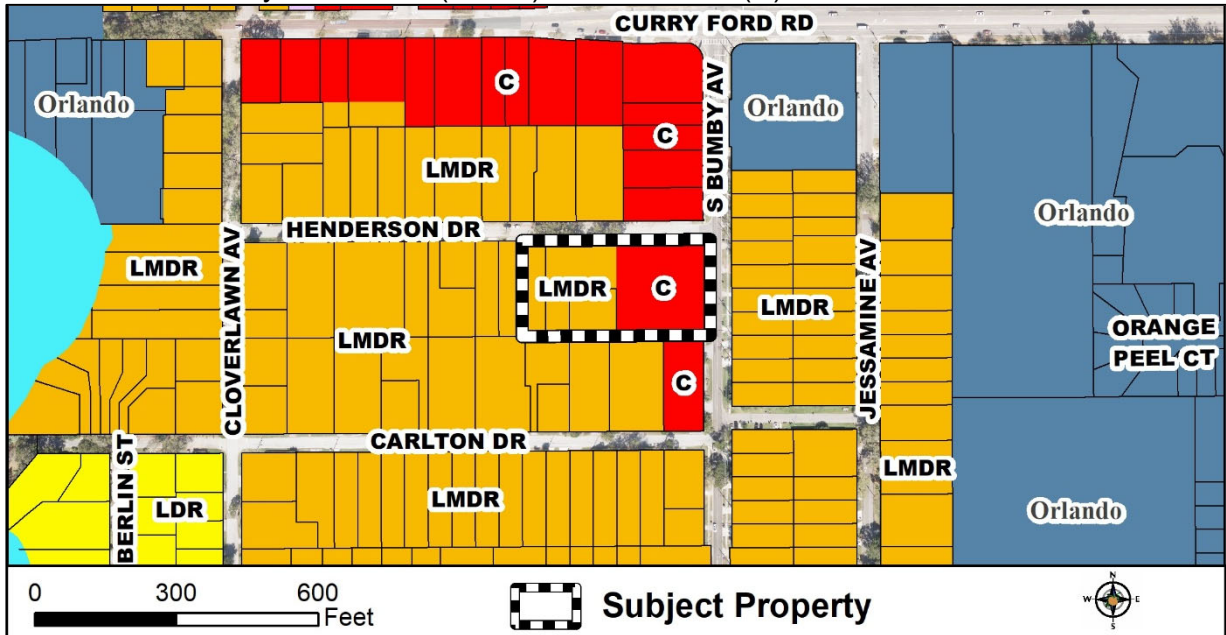


0 150 300 Feet

A horizontal scale bar with three segments, labeled 0, 150, and 300 Feet.

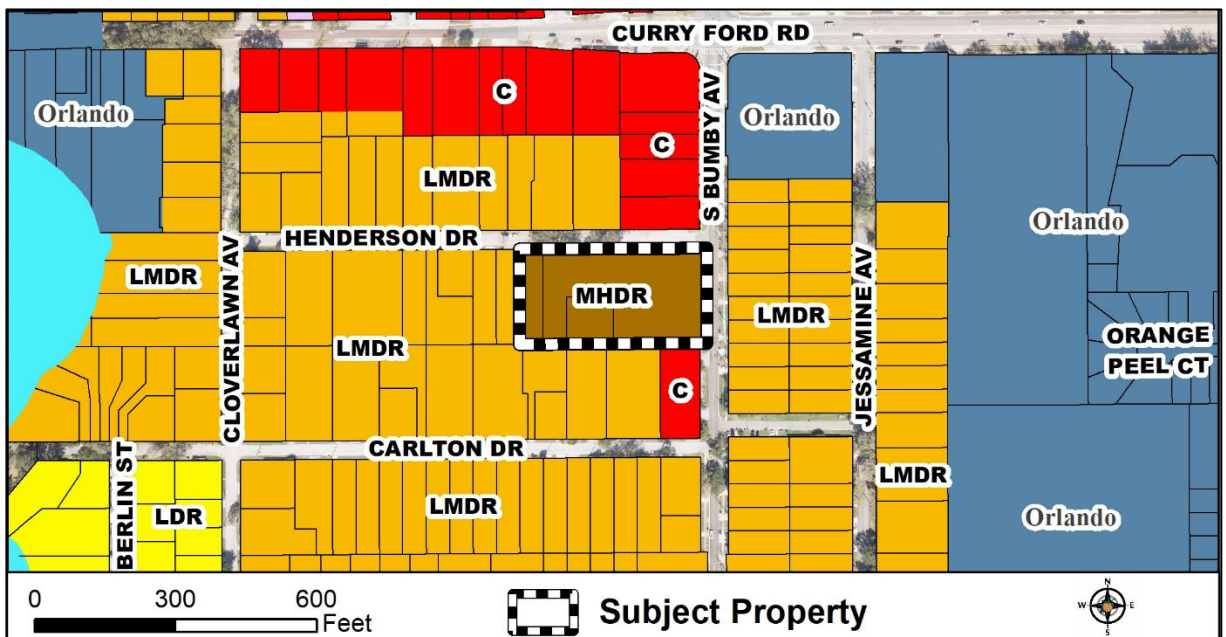
FUTURE LAND USE - CURRENT

Low-Medium Density Residential (LMDR) & Commercial (C)



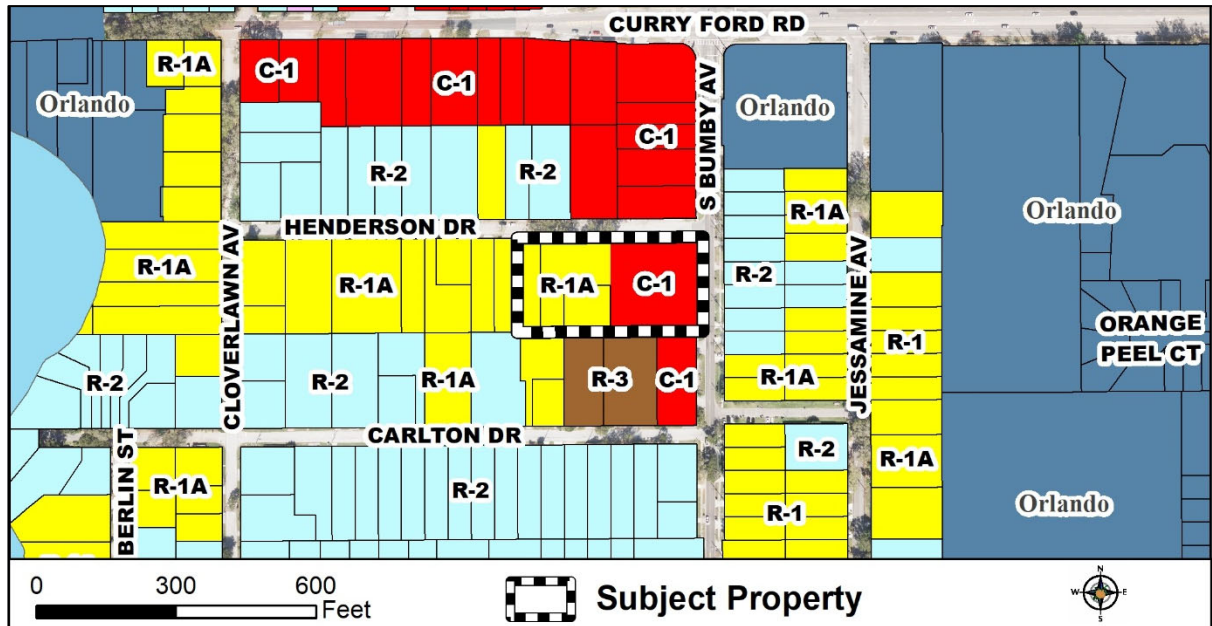
FUTURE LAND USE - PROPOSED

Medium-High Density Residential (MHDR)



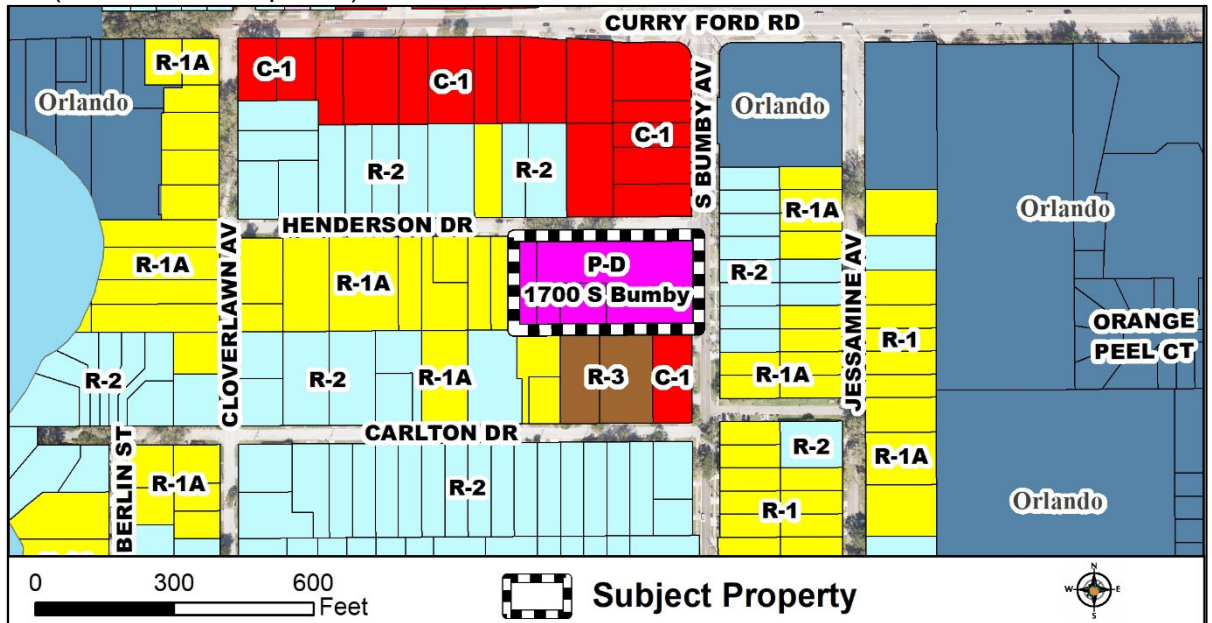
ZONING – CURRENT

R-1A (Single-Family Dwelling District) & C-1 (Retail Commercial District)



ZONING – PROPOSED

PD (Planned Development)



Notification Map

