





Interoffice Memorandum

DATE: December 2, 2020

TO: Mayor Jerry L. Demings
-AND-
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: December 15, 2020 – Public Hearing
Planning and Zoning Commission Board-Called Rezoning
Applicant: Cyril M. Cruzada, Cristan Properties Inc.
Case # RZ-20-09-058 / District 5

This is a Board-called rezoning hearing in which the applicant is seeking to rezone two parcels totaling 0.578 gross acres from P-O (Professional Office District) to R-2 (Residential District). The property is located at 4987 and 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 570 feet east of Old Cheney Highway. The applicant intends to construct a duplex on 0.27 acre and a triplex on 0.32 acre for a total of five single-family attached dwelling units. On September 17, 2020, the Planning and Zoning Commission recommended approval of the request.

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. District 5

JVW/EPR/sfv
Attachment

CASE # RZ-20-09-058

Commission District: #5

GENERAL INFORMATION

APPLICANT	Cyril M. Cruzada
OWNERS	Cristan Properties Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	P-O (Professional Office District) to R-2 (Residential District)
LOCATION	4987 and 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 570 feet east of Old Cheney Highway
PARCEL ID NUMBER	21-22-30-4736-03-150, and 21-22-30-4736-03-140
TRACT SIZE	0.587 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]. One hundred twenty-two (122) notices were mailed to those property owners in the mailing area. A virtual community meeting for this application was held on September 8, 2020, no members of the public was in attendance.
PROPOSED USE	To construct a duplex on 0.27 acre and a triplex on 0.32 acre for a total of five attached single-family 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 PROPERTY ANALYSIS

Overview

The applicant is seeking to rezone from P-O (Professional Office District) to R-2 (Residential District) in order to construct a duplex on 0.27 acre and a triplex on 0.32 acre for a total of five (5) dwelling units. Parcel 21-22-30-4736-03-140 is 0.27 gross acre and is intended for a duplex. Parcel 21-22-30-4736-03-150 is 0.32 gross acre and is intended for a triplex. Combined, the two (2) parcels are 0.587 gross acres.

The current zoning of P-O (Professional Office District) and the Future Land Use Map (FLUM) designation of Low-Medium Density Residential is inconsistent, therefore the property is considered to be undevelopable until such time that the FLUM designation changes to Office (O) or the Zoning district changes to residential.

Through this request, the proposed R-2 (Residential District) zoning district would allow for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building for residential uses. The R-2 building requirements allow for lot sizes that are 85' feet in width and 15,000 square feet in size.

The subject property is within the City of Orlando's wastewater territory, however, this development will be reliant on septic. Compliance with Orange County Code Chapter 37, Article XVII – "Individual On-Site-Sewage Disposal" will also be required.

The immediate area can be characterized as developed with varying levels of single-family residential developments that are attached and detached. There are multiple duplex developments within the immediate area.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	S.R.436 / S.R. 50 Corridor Overlay District
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zones "B" and "C". New residential development in Airport Noise Zones requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions. In addition, sound level reduction (SLR) design standards are required which may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles.
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

Existing Use	Undeveloped
Adjacent Zoning	N: R-2 (Residential District) (1971) E: R-2 (Residential District) (1971) W: R-2 (Residential District) (1971) S: C-2 (General Commercial District) (1965)
Adjacent Land Uses	N: Single-Family Residence E: Single-Family Residence W: Duplex S: Shopping Plaza

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

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"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative mobility options within the project area: There are existing County maintained sidewalks along Santa Rosa Drive from Old Cheney Highway to Barton Drive. There is an existing State maintained sidewalk and bike paths along E. Colonial Drive from Old Cheney Highway to N. Semoran Blvd. LYNX bus link #28 - E. Colonial Drive Alazea Park; #29 - E. Colonial Drive Goldenrod #104 E. Colonial Drive UCF. There are Five (5) bus stops, three (3) of them are sheltered stops. A mobility analysis may be required for this project.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	De minimus impact to OCPS. No capacity determination is required.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* 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).

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.

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.

Community Meeting Summary

A virtual community meeting was held for this request on September 8, 2020. There were zero (0) attendees from the public in attendance. The required notification of the request and public hearing was sent to 122 property owners in an area extending beyond 500 feet from the subject parcel; staff received zero (0) feedback commentaries in favor or in opposition for this request.

Utilities

Water:	Orlando Utilities Commission
Wastewater:	City of Orlando (not available)
Reclaim Water	City of Orlando (not 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 – (September 17, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential 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-2 (Residential District) zoning. The applicant was present and agreed with staff recommendation.

Staff indicated that one hundred twenty-two (122) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received zero (0) commentaries in favor of the request, and zero (0) in opposition. During public comments, no members of the public were present to speak.

A motion was made by Chairman Spears to make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-2 (Residential District) zoning. That motion failed without a second.

A motion was made by Commissioner Dunn and seconded by Commissioner Fernandez to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. The motion was carried on a 7-1 vote, with Chairman Spears voting in the negative.

Motion / Second

Jimmy Dunn / Eddie Fernandez

Voting in Favor

Jimmy Dunn, Eddie Fernandez, Diane Velazquez, Evelyn Cardenas, Mohammed Abdallah, Carlos Nazario, and JaJa Wade

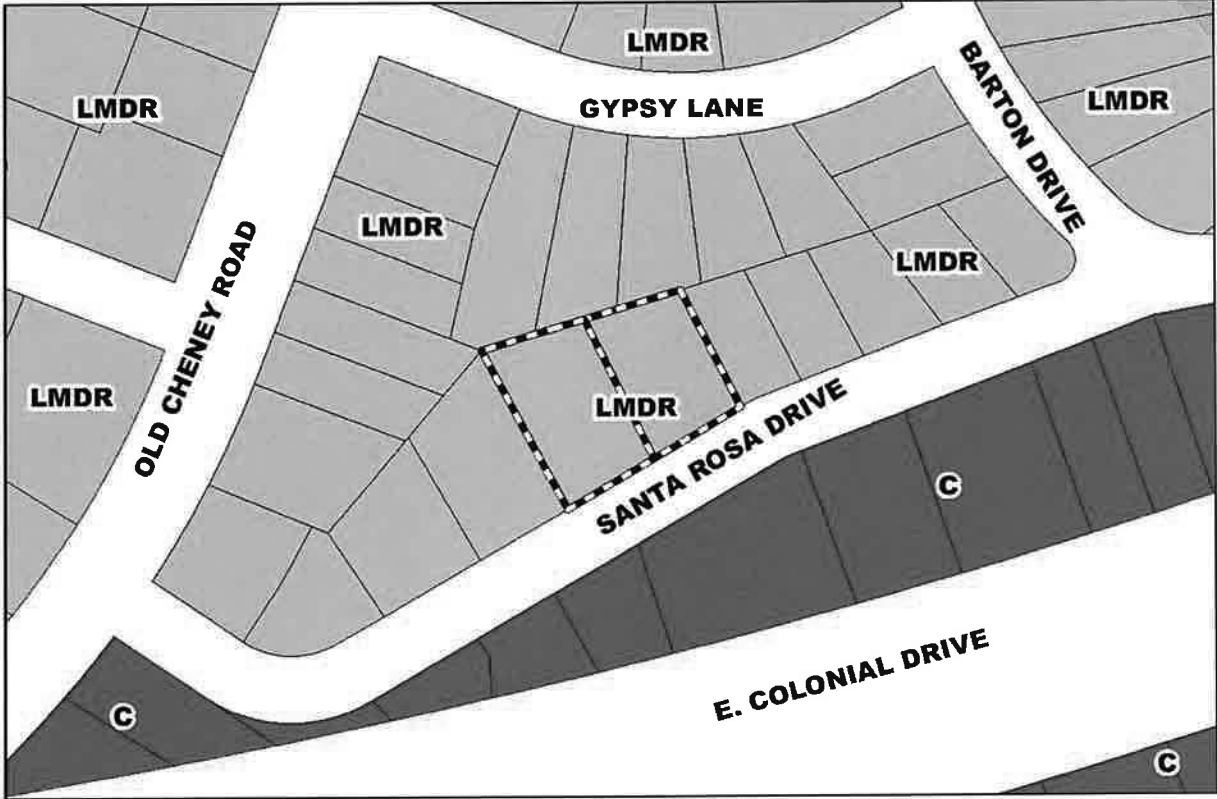
Voting in Opposition

Gordon Spears

Absent

Nelson Pena

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 Subject Property

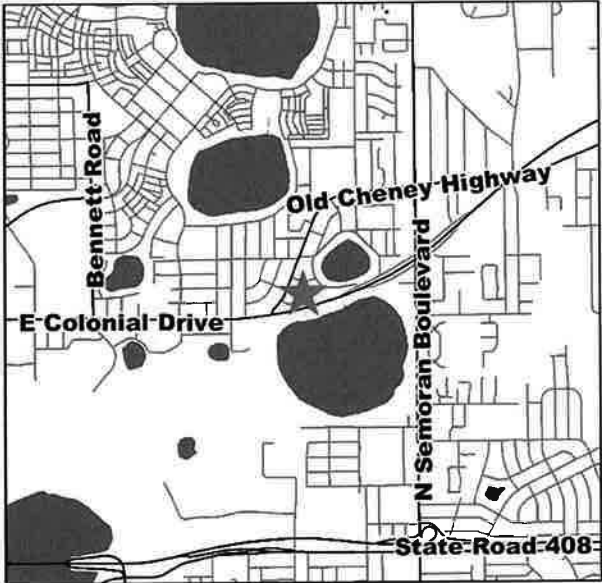


 Subject Property

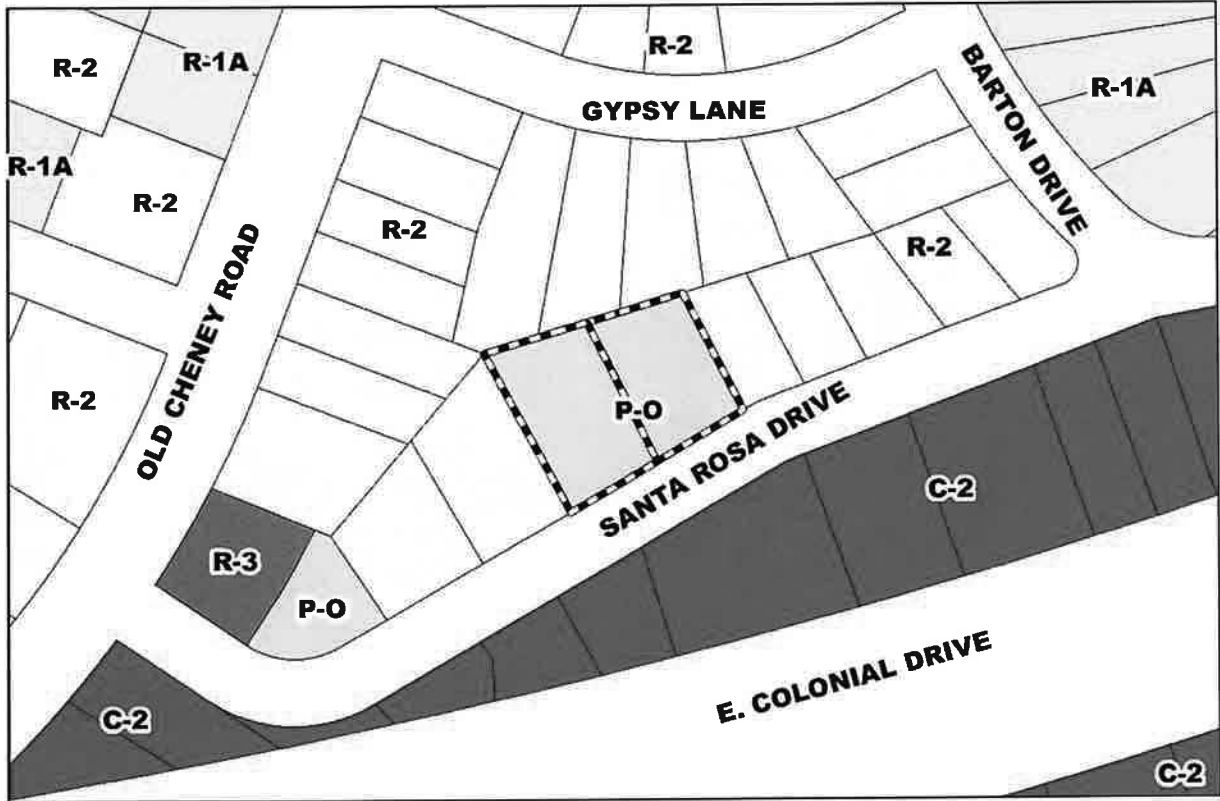
Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)
APPLICANT: Cyril Cruzada
LOCATION: 4987, 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 230 feet north of E. Colonial Drive.
TRACT SIZE: 0.267 - gross acre
 0.32 - gross acre
DISTRICT: # 5
S/T/R: 21/22/30

1 inch = 140 feet



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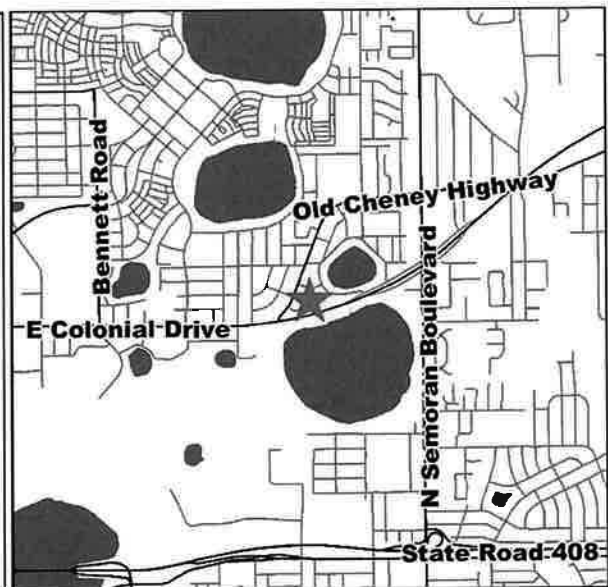


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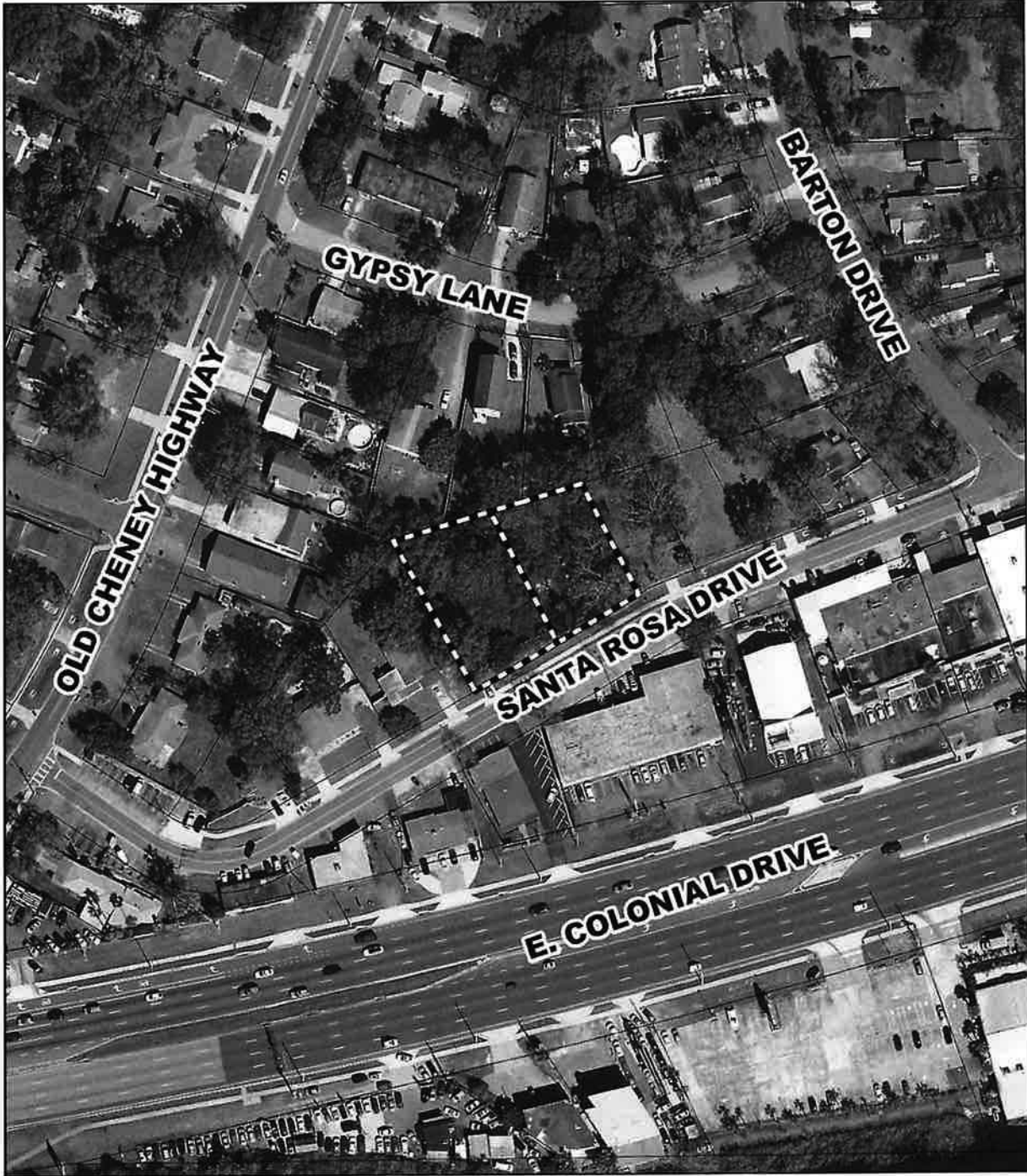


 Subject Property

Zoning Map	
ZONING:	P-O (Professional Office) to R-2 (Residential District)
APPLICANT:	Cyril Cruzada
LOCATION:	4987, 4995 Santa Rosa Drive, or generally located on the north side of Santa Rosa Drive, approximately 230 feet north of E. Colonial Drive.
TRACT SIZE:	0.267 - gross acre 0.32 - gross acre
DISTRICT:	# 5
S/T/R:	21/22/30
1 inch = 140 feet	



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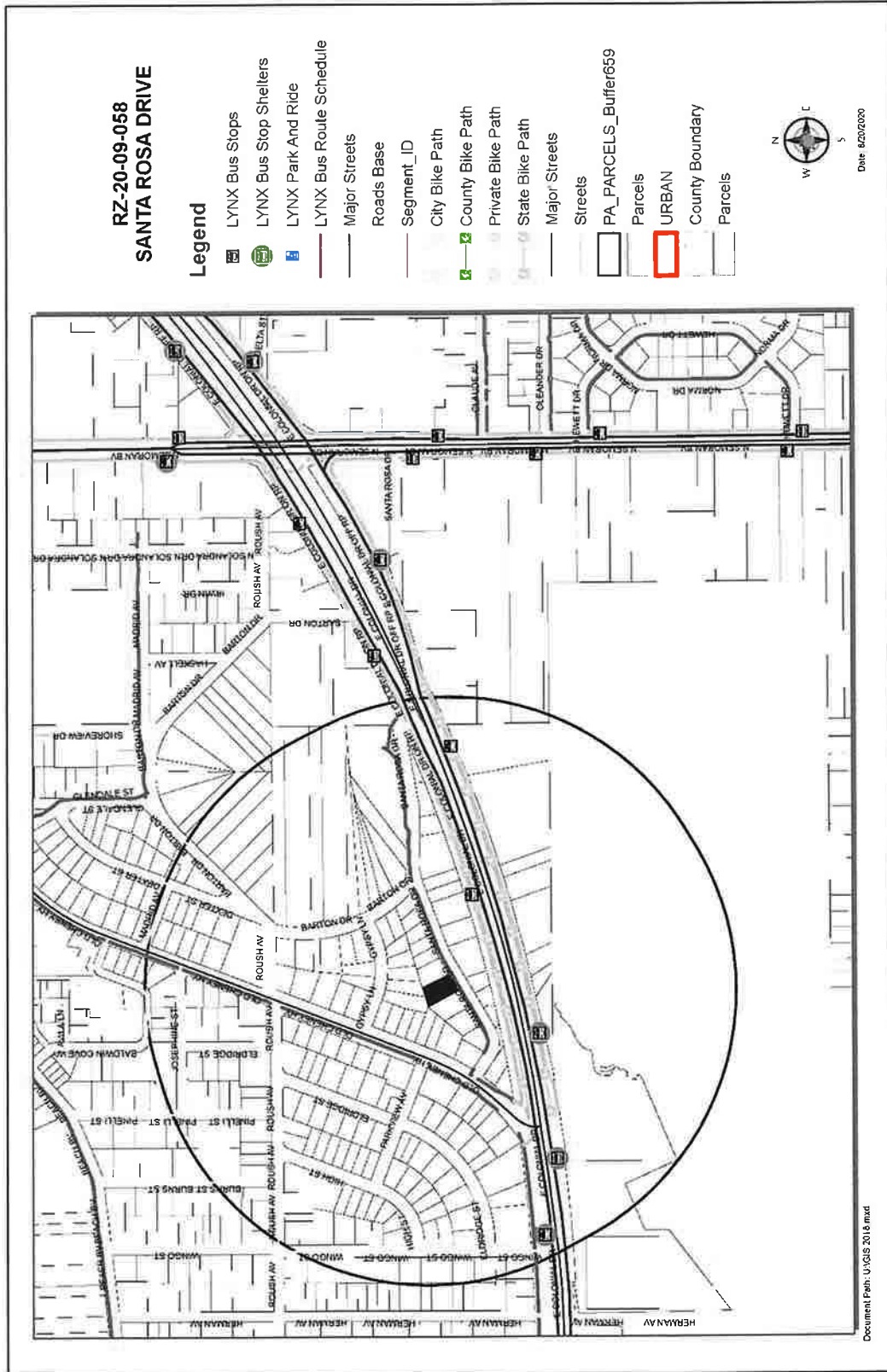


 Subject Property



1 inch = 125 feet

Alternative Mobilty Area Context Map



Notification Map

