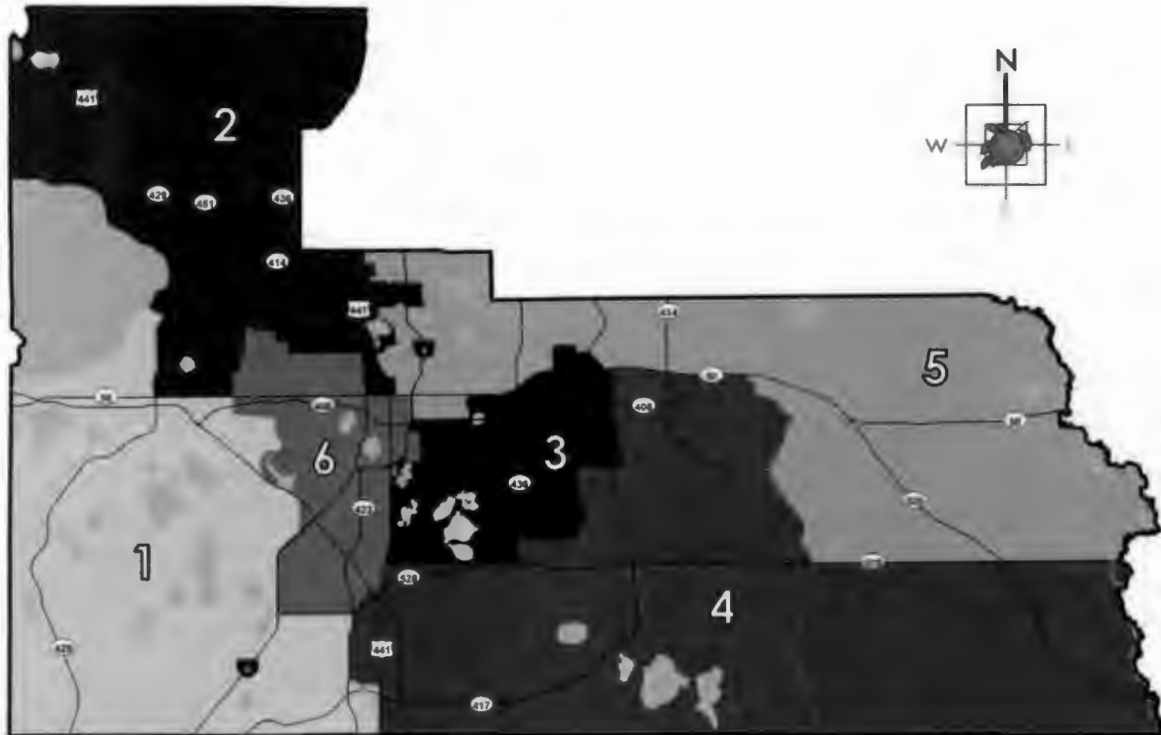




PLANNING AND ZONING COMMISSION  
LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS

JANUARY 17, 2019



PREPARED BY:

ORANGE COUNTY GOVERNMENT  
PLANNING DIVISION | CURRENT PLANNING SECTION

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

James Dunn District #1

Diane Velazquez District #2

Eduardo Fernandez District #3

Carlos D. Nazario, Jr. District #4

J. Gordon Spears District #5  
Vice Chairperson

JaJa J. Wade District #6

Mohammed Abdallah At Large

Yog Melwani At Large  
Chairperson

Jose Cantero At Large

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**January 17, 2019**

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<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-18-11-052 Edward J. Williams	<i>R-1 to R-2</i>	3	Denial	Denial	No
RZ-19-01-056 Stephen Allen	<i>C-3 to I-2 / I-3</i>	4	Approval Subject to Two (2) Restrictions	Approval Subject to Two (2) Restrictions	No
RZ-19-01-057 Justin Solitro	<i>R-1 (Restricted) to R-1</i>	2	Approval Subject to One (1) Restriction	Approval Subject to Two (2) Restrictions	No
RZ-19-01-058 Rosa I. Rivera	<i>R-CE to R-1AAAA</i>	3	Approval	Approval	No
RZ-19-01-059 Stephen Allen	<i>I-2 / I-3 &amp; R-2 to I-2 / I-3</i>	4	Approval Subject to Three (3) Restrictions	Approval Subject to Three (3) Restrictions	No
RZ-19-01-060 Charles Parke	<i>A-1 to R-1</i>	2	Approval	Approval	No
RZ-19-01-061 Michael Harding	<i>C-1 to C-2</i>	5	Denial	<i>Continued to March 21, 2019</i>	No
RZ-19-01-062 Jorge Alfredo Cruz-Acevedo	<i>C-1 to C-2</i>	5	Denial	Denial	No
RZ-19-01-063 Daniel Nazario	<i>A-2 to R-T-2</i>	4	Approval	<i>Continued to February 21, 2019</i>	No
RZ-19-01-065 Charles Piper	<i>R-CE to R-1A</i>	1	Approval Subject to Two (2) Restrictions	Approval Subject to Two (2) Restrictions	No

# SITE and BUILDING REQUIREMENTS

## Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <sup>m</sup>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <sup>a</sup>	Min. rear yard (ft.) <sup>a</sup>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (¼ acre)	850	100	35	50	10	35	a
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	a
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	a
R-CE-2	2 acres	1,200	250	45	50	30	35	a
R-CE-5	5 acres	1,200	185	50	50	45	35	a
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	a
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	a
R-1AA	10,000	1,200	85	25 <sup>h</sup>	30 <sup>h</sup>	7.5	35	a
R-1A	7,500	1,200	75	20 <sup>h</sup>	25 <sup>h</sup>	7.5	35	a
R-1	5,000	1,000	50	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
R-2	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <sup>d</sup>	20 <sup>h</sup>	30	5 <sup>h</sup>	35	a
	Three DUs, 11,250	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10 <sup>b</sup>	35	a
R-3	One-family dwelling, 4,500	1,000	45 <sup>c</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <sup>d</sup>	20 <sup>h</sup>	20 <sup>h</sup>	5 <sup>h</sup>	35	a
	Three dwelling units, 11,250	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 <sup>j</sup>	20 <sup>h</sup>	30	10 <sup>b</sup>	35	a
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	a
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	a
R-T-1								
	SFR 4,500 <sup>c</sup>	1,000	45	25/20 <sup>k</sup>	25/20 <sup>k</sup>	5	35	a
	Mobile home 4,500 <sup>c</sup>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <sup>k</sup>	25/20 <sup>k</sup>	5	35	a
R-T-2	6,000	SFR 500	60	25	25	6	35	a
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	a
		Min. mobile home size 8 ft. x 35 ft.						

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

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

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

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

**FOOTNOTES**

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

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

# BUFFER YARD REQUIREMENTS

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## Orange County Code Section 24-5.

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

### (a) *Buffer classifications:*

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

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



**CASE # RZ-18-11-052**  
Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Edward J. Williams, Williams Development Services, Inc.
<b>OWNER</b>	Florida Real Estate Investments and Holdings, LLC (Mark Allen)
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-1 (Single-Family Dwelling District) to R-2 (Residential District)
<b>LOCATION</b>	1640 Salem Drive, or generally located on the west side of Salem Drive, on the east side of Pandora Drive, approximately 750 feet south of E. Colonial Drive.
<b>PARCEL ID NUMBER</b>	23-22-30-1280-01-700
<b>TRACT SIZE</b>	0.30-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred-eight (208) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Duplex

**STAFF RECOMMENDATION**

**PLANNING:**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-2 (Residential District) zoning.**

**ALTERNATIVE STAFF RECOMMENDATION:**

**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 a single-family residential dwelling unit or the existing duplex use.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The R-2 (Residential District) zoning would allow for development that is incompatible with the character of the surrounding area and may adversely impact adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). While the proposed R-2 (Residential District) zoning is consistent with the Low Density Residential (LDR) FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

**FLU1.1.2(B)** states that the Low Density Residential (LDR) Future Land Use Map designation generally includes suburban single-family to small lot single-family development with a density of zero (0) to four (4) dwelling units per acre.

**FLU1.4.2** states that land use 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.

**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.

**OBJ N1.1** states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

**SITE DATA**

<b>Existing Use</b>	Duplex
<b>Adjacent Zoning</b>	N: R-1 (Single Family Dwelling District) E: R-1 (Single Family Dwelling District) W: R-1 (Single Family Dwelling District) S: R-1 (Single Family Dwelling District)
<b>Adjacent Land Uses</b>	N: Undeveloped Land E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

**R-2 (RESIDENTIAL DISTRICT) DEVELOPMENT STANDARDS**

**One-Family Dwelling**

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

**Building Setbacks:**

<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 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.

**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.

**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.

**Intent, Purpose, and Uses:**

The intent and purpose of the R-2 residential district is as follows:

- (1) To provide for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building within areas designated in adopted county development plans and policies for low-medium and medium density residential development.
- (2) To encourage the development of attached dwelling units in a manner compatible with the detached dwellings permitted in single-family residential districts when and where adequate access and public service are available.
- (3) To establish standards for low-medium and medium density residential development adequate to protect the public health, safety, and general welfare.

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**

**Subject Property Analysis**

The subject property is located at 1640 Salem Drive, or generally located on the west side of Salem Drive, on the east side of Pandora Drive, approximately 750 south of E. Colonial Drive. The Future Land Use Map (FLUM) designates the subject property and surrounding neighborhood as Low Density Residential (LDR), which allows for the development of up to four (4) dwelling units per acre. Given the size of the subject property, one (1) single-family dwelling unit can be allowed. In order to meet the density requirements of the Comprehensive Plan, the FLUM designation of the subject property would need to be amended to Low-Medium Density Residential (LMDR). While LMDR allows for up to ten (10) dwelling units per acre, the size of the subject property and the zoning district standards would limit the site to two (2) dwelling units.

The subject parcel was originally platted as two 53' x 121.5' lots (Lots 169 and 170) within the Third Addition Cheney Highlands subdivision. The plat for the Third Addition Cheney Highlands subdivision was recorded on February 17, 1926. The subject property is currently developed with a single-family residence that was constructed in 1950 and purchased by the current property owner in 2002. The applicant has stated that the property was purchased as a duplex and that as a result of the building being constructed prior to the existence of the County's zoning resolution in 1957, no building permits or records exist that indicate whether the building was originally constructed as a single-family residence or duplex.

In January 2018, Orange County Code Enforcement (incident ID #503200) cited the property as a single-family residence that had been converted to a duplex without permits. The Code Enforcement officer was unable to locate permits to allow a duplex on the property. The corrective action identified was to convert the property back to a single-family residence or obtain the proper permits. In June 2018, at the Code Enforcement Board (CEB) hearing, the property owner was granted a 90-day extension to come into compliance. That extension has expired and the property is currently accruing fines. On November 14, 2018 at the second CEB hearing, the Board denied the property owner's request an extension of the Board ordered compliance date.

The applicant has applied to rezone the subject property to R-2 (Residential District) in order to obtain the required permits to allow for the continued duplex use. This request was presented to the Planning & Zoning Commission (PZC) on November 15, 2018. At the PZC hearing, staff presented their recommendation of denial due to the fact that there were no other duplexes located within the surrounding area and because the subject property does not meet the minimum density required by the Low Density Residential (LDR) FLUM designation. The applicant was present and disagreed with staff's recommendation. After discussion regarding the rezoning request's inconsistency with the Comprehensive Plan density requirements, staff noted that the applicant had two options, to pursue an amendment to change the FLUM to Low-Medium Density Residential (LMDR) or confirm that the subject property consists of two legal lots of record and apply for a vested rights certificate for two units. The PZC voted to continue the rezoning request to the next hearing to allow the applicant to pursue these options. At the December 20, 2018, PZC hearing staff noted that the applicant's vested rights application had been submitted but had not yet been full reviewed. The PZC then voted to continue the rezoning request to the next hearing in January which staff completed their review.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application as the requested zoning is consistent with the underlying Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

#### **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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is located in Airport Noise Zone "E". However, aircraft noise / land use control zone regulations do not apply to existing residential development.

**Environmental**

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. The property owner shall use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

**Transportation / Access**

This project is located within the Orange County Alternative Mobility Area and is exempt from transportation concurrency requirements. The purpose of this rezoning request is to bring the subject parcel into compliance with the existing use, and will generate no new trips.

**Code Enforcement**

Orange County Code Enforcement (incident # 503200) cited the property owner for converting the single-family residence to a duplex without a permit. The case went to the Code Enforcement Board (CEB) on June 22, 2018, where the property owner was granted a 90-day extension to come into compliance. That extension has expired and the property is currently accruing fines. A second CEB hearing is scheduled for November 14, 2018.

**Utilities**

Water:	Orange County Utilities	A 6-inch water main is located within Salem Drive right-of-way.
Wastewater:	Orange County Utilities	Not Currently Available



Reclaim Water:      Orange County Utilities      Not Currently Available

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 17, 2019)**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL 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 inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-2 (Residential District) zoning.

Staff indicated that two hundred eight (208) notices were mailed to the surrounding property owners within a buffer extending 700 feet from the subject property, with eight (8) responses in support of the rezoning and one (1) in opposition. Staff noted that the notices in support included four (4) which were from two vacant parcels owned by the owner of the subject property, and four (4) which were from two other properties along Salem Drive which were filled out and are owned by the owner of the subject property. The notice in opposition was from an adjacent property owner who claimed the subject property had always been a single-family residence prior to being converted into a duplex sometime in the mid 2000's.

The applicant was present and disagreed with the staff recommendation. The applicant argued that there were no records to confirm whether the structure was originally built as a single-family residence or a duplex, and that the property was providing affordable housing. Two (2) members of the public were present and spoke in opposition to the request, noting that they had lived in the area for decades and that the subject property had previously been a single-family residence prior to being converted into a duplex.

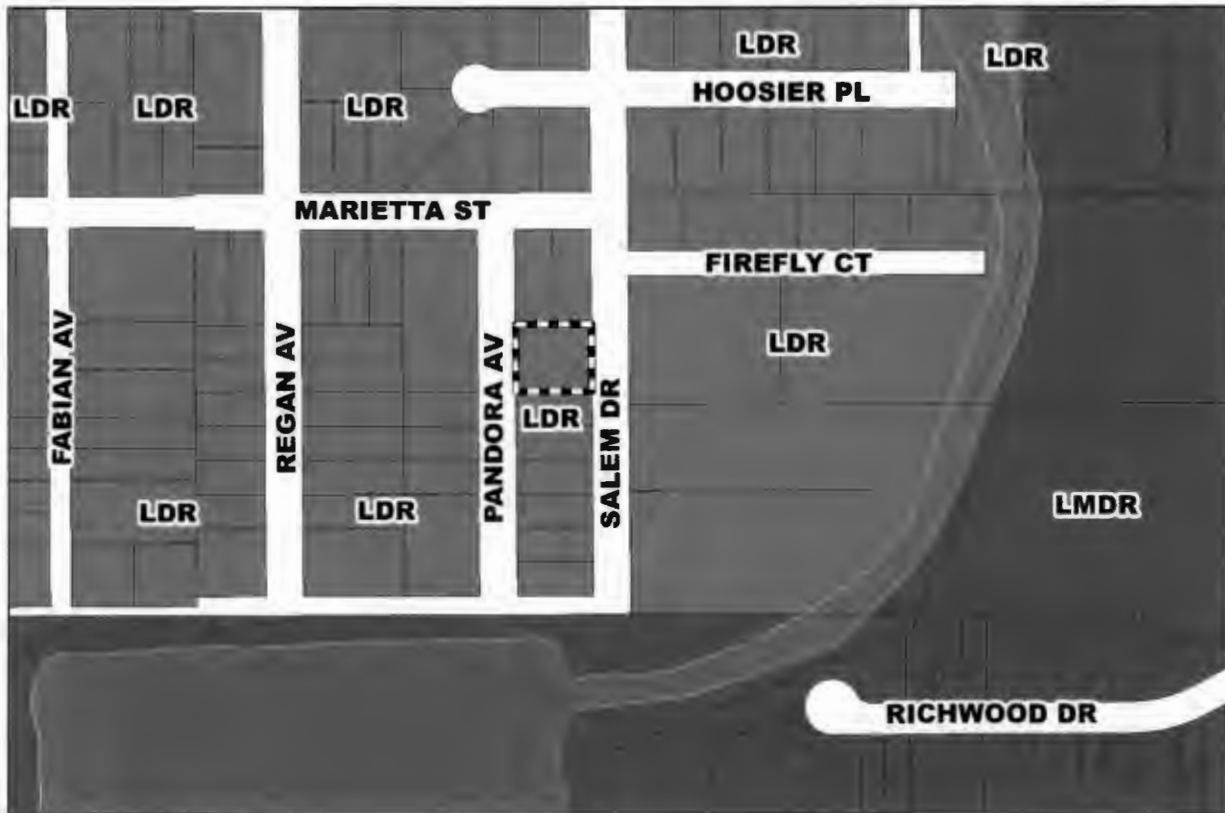
After a brief discussion regarding whether existing R-2 zoned properties and similar uses were located in the surrounding area, a motion was made by Commissioner Fernandez

and seconded by Commissioner Velazquez to recommend denial of the requested R-2 (Residential District) zoning. The motion carried on a 4-3 vote.

<b>Motion / Second</b>	<i>Eddie Fernandez / Diane Velazquez</i>
<b>Voting in Favor</b>	<i>Eddie Fernandez, Diane Velazquez, Gordon Spears, Yog Melwani</i>
<b>Voting in Opposition</b>	<i>Mohammed Abdallah, James Dunn, Jose Cantero</i>
<b>Absent</b>	<i>Carlos Nazario, JaJa Wade</i>



RZ-18-11-052



Subject Property



Subject Property

### Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Edward J. Williams

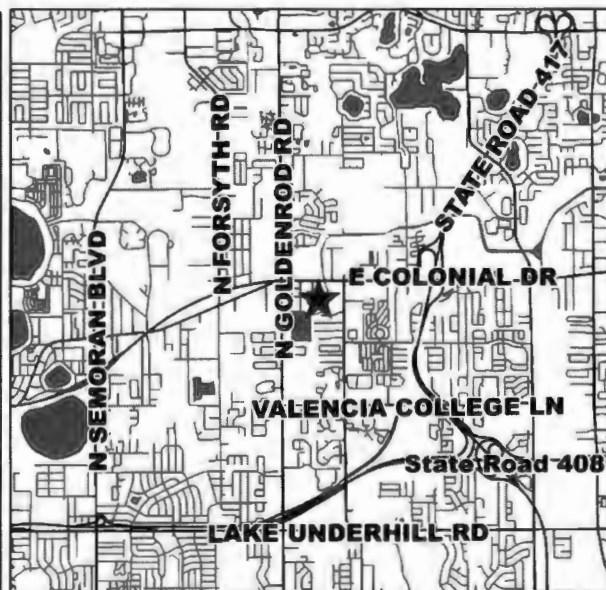
LOCATION: 1640 Salem Drive, or generally located on the west side of Salem Drive, on the east side of Pandora Drive, approximately 750 south of E. Colonial Drive.

TRACT SIZE: 0.30-gross acre

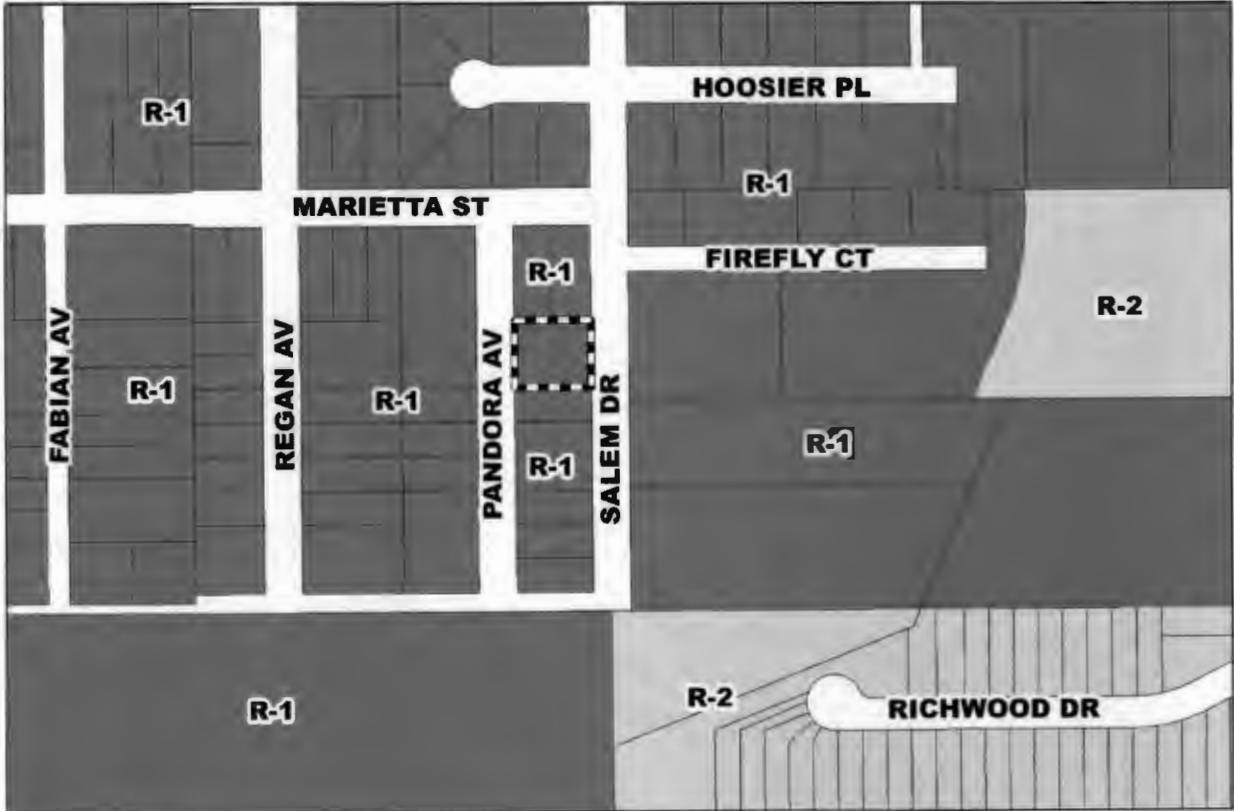
DISTRICT: # 3

S/T/R: 23/22/30

1 inch = 250 feet



RZ-18-11-052



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-1 (Single-Family Dwelling District)

**APPLICANT:** Edward J. Williams

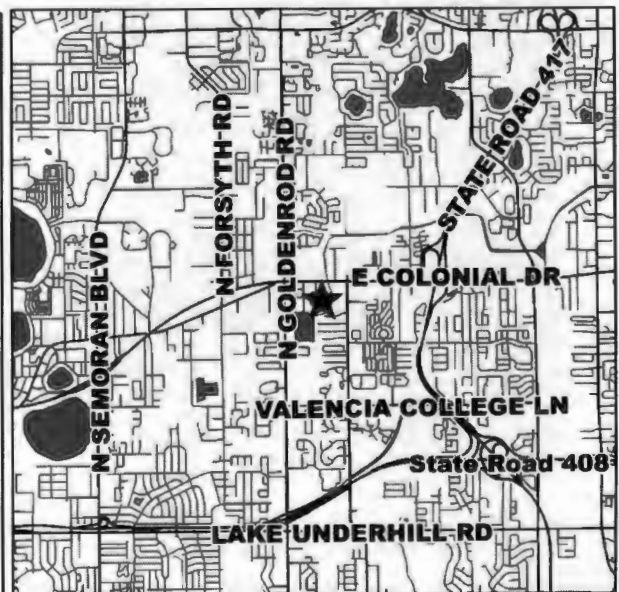
**LOCATION:** 1640 Salem Drive, or generally located on the west side of Salem Drive, on the east side of Pandora Drive, approximately 750 south of E. Colonial Drive.

**TRACT SIZE:** 0.30-gross acre

**DISTRICT:** # 3

**S/T/R:** 23/22/30

1 inch = 250 feet



RZ-18-11-052



 Subject Property



1 inch = 175 feet

**Alternative Mobility Area Context Map**

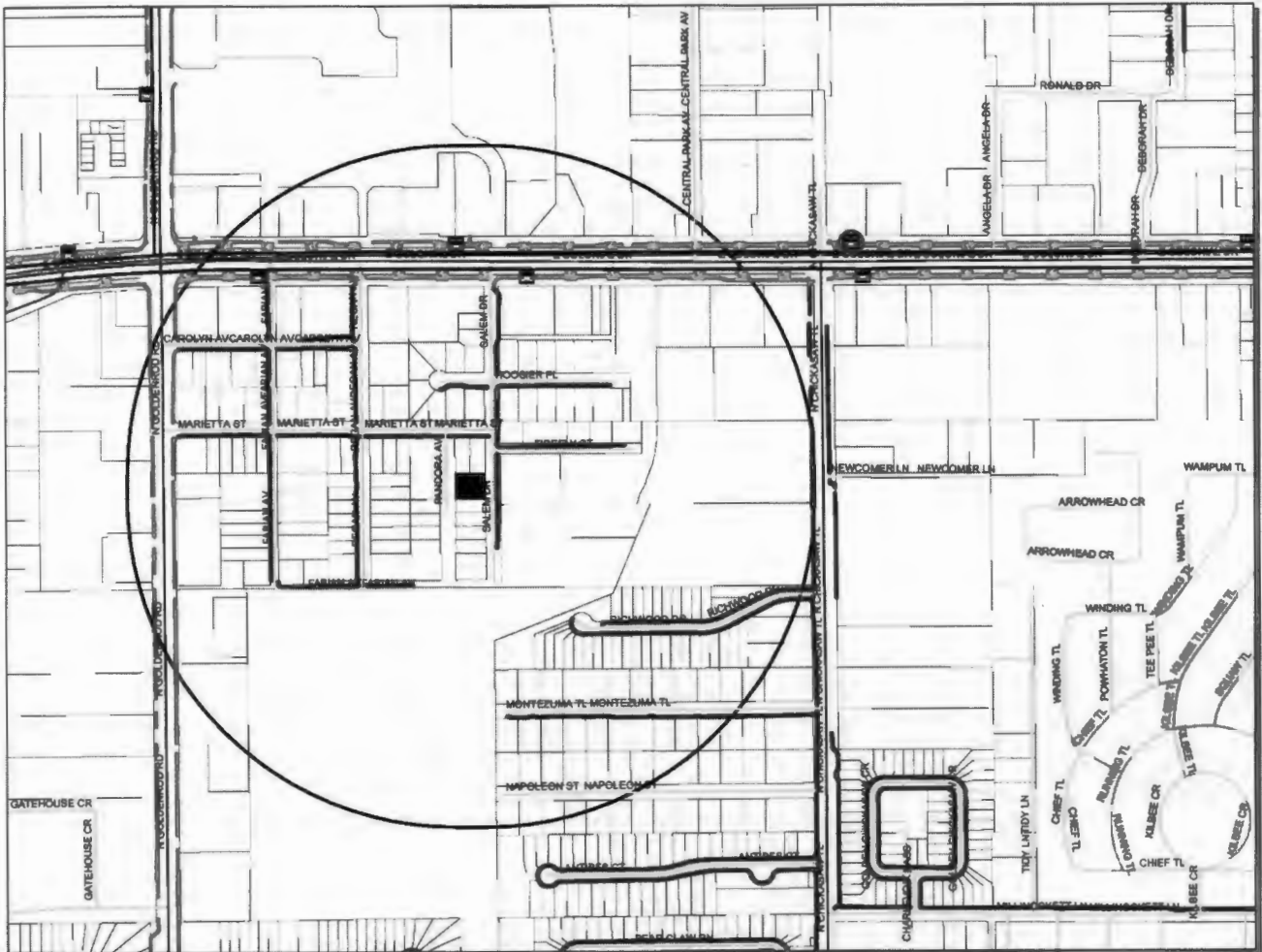
RZ-18-11-052

**Legend**

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment\_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA\_PARCELS\_Buffer8
- County Boundary
- Parcels



Date: 11/8/2018



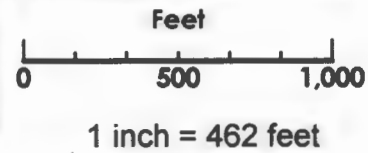
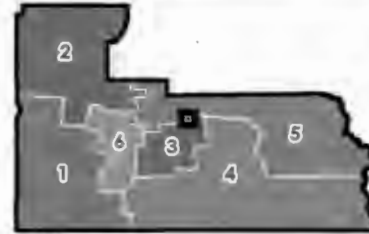
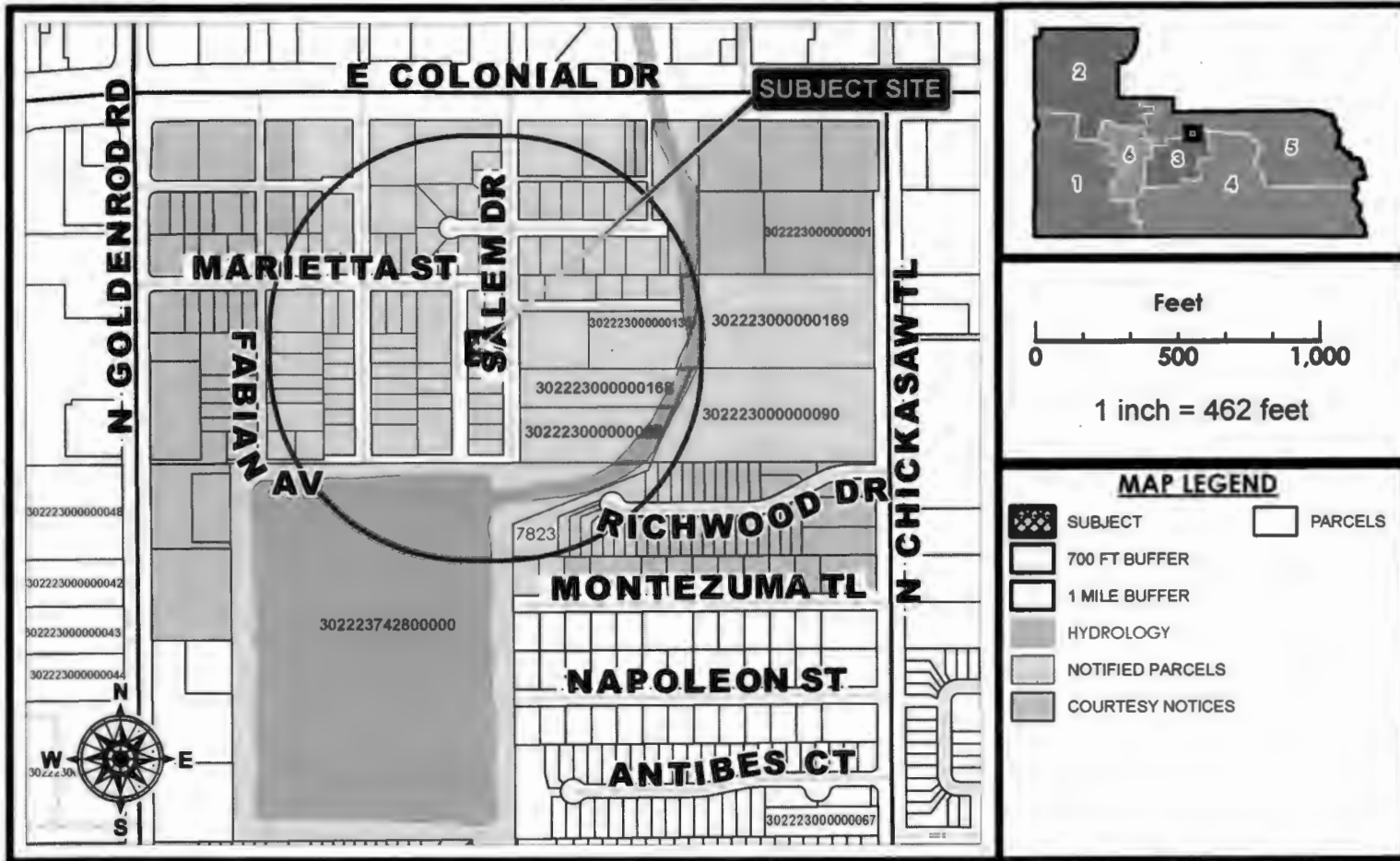
Document Path: U:\GIS\8 2018.mxd



# Public Notification Map

RZ-18-11-052

700 FT BUFFER, 208 NOTICES



### MAP LEGEND

- SUBJECT
- PARCELS
- 700 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES

Notification Map

Case # RZ-18-11-052  
 Orange County Planning Division  
 PZC Hearing Date: January 17, 2019

**CASE # RZ-19-01-056**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Stephen Allen, P.E., CivilCorp Engineering, Inc.
<b>OWNERS</b>	Maxim Investments LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-3 (Wholesale Commercial District) to I-2 / I-3 (Industrial District)</b>
<b>LOCATION</b>	Generally located at the northwest corner of the intersection of S. Orange Avenue and Pine Street, approximately 900 feet south of Landstreet Road.
<b>PARCEL ID NUMBERS</b>	01-24-29-0000-00-036 & 36-23-29-8228-40-711
<b>TRACT SIZE</b>	0.77-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred twenty-six (126) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Bus rental, storage, and repair facility

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses on the property.



## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The I-2 / I-3 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-2 / I-3 (Industrial District) zoning is consistent with the Industrial (IND) FLUM designation and the following Comprehensive Plan provisions:

**FLU1.4.16** states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

**FLU1.4.17** states that Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County.

**FLU1.4.18** states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

**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**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: I-2 / I-3 (Industrial District) (1965) E: C-3 (Wholesale Commercial District) (1957) W: I-2 / I-3 (Industrial District) (1965) S: C-3 (Wholesale Commercial District) (1957)
<b>Adjacent Land Uses</b>	N: Auto Repair E: Warehousing W: CSX Railroad Right-Of-Way S: Auto Repair

### **I-2 / I-3 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS**

Floor Area Ratio: ≤0.75  
Max. Height: 50 ft. (35 ft. within 100 ft. of a residential zoning district)

#### **Building Setbacks**

Front: 25 ft.  
Rear: 10 ft.  
Side: 15 ft.

### **Intent, Purpose, and Uses**

The intent and purpose of the I-2 / I-3 (Industrial District) is as follows:

1. To provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities;
2. To establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the adoption of this article but which may be prohibited by the requirements of the I-1A and I-1 / I-5 industrial districts;
3. To establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land; and



4. To establish and maintain standards which will protect adjacent residential and commercial developments.

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

Permitted uses include, but are not limited to, truck terminal facilities, automobile dealers and repair facilities, metal fabrication, wholesale food production, cardboard and paper manufacturing, trade shops, storage yards, commercial plant nurseries, on-site fuel storage, community centers, private educational facilities, and miscellaneous repair services.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is generally located at the northwest corner of the intersection of S. Orange Avenue and Pine Street, approximately 900 feet south of Landstreet Road. The Future Land Use Map (FLUM) establishes an Industrial corridor along S. Orange Avenue and the CSX Railroad tracks to the west of the subject property. The Industrial FLUM designation also encompasses the majority of the surrounding area, with the exception of the Taft community which is located south of the subject property. The majority of the properties located within this industrial area are already zoned for industrial uses, while some such as the subject property are still zoned C-3 (Wholesale Commercial District) for intense commercial uses. In 2011, a parcel located northeast of the subject property was rezoned to I-1 / I-5 (Industrial District) with only one restriction prohibiting new billboard and pole signs.

The subject property is currently undeveloped. Through this request, the applicant is seeking to rezone the two subject parcels from C-3 (Wholesale Commercial District) to I-2 / I-3 (Industrial District) in order to use the property as a bus rental, storage, and repair facility. There are several similar industrial uses surrounding the subject property including bus storage, auto repair, auto parts sales, warehousing. If approved, the rezoning to I-2 / I-3 (Industrial District) will bring the site into conformance with its existing FLUM designation.

### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application as the requested zoning is consistent with the underlying Industrial (IND) Future Land Use Map (FLUM) designation.

### **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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

The applicant is advised that if any new storage tanks are planned for this location then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-710 Florida Administrative Code (FAC) Used Oil Management, Chapter 62-761 FAC Underground Storage Tank Systems (USTs), Chapter 62-762 FAC, Aboveground Storage Tank Systems (ASTs), Chapter 62-770, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels. The site shall comply with all notification requirements as specified in the related codes through contact with the Orange County Environmental Protection Division (EPD).

The applicant is advised that Orange County regulates the management of hazardous waste as outlined in Florida Administrative Codes (FAC): 1) Used Oil: 62-710; 2) Hazardous Waste: 62-730; 3) Universal Wastes (i.e.; batteries, fluorescent lamps, etc.): 62-737. The applicant is also advised to use caution to prevent off-site erosion during construction along the boundary of the property into open drainage facilities. Construction will require Best Management Practices (BMPs) for erosion control.

**Transportation / Access**

Based on the Concurrency Management System database dated November 20, 2018, there are no failing roadway segments within the project impact area and capacity is available to be encumbered. This information is dated and subject to change. The applicant will be required to obtain an approved capacity encumbrance letter prior to obtaining a building permit. The applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Utilities**

Water:	Taft Water Association	
Wastewater:	Orange County Utilities	A 12-inch forcemain is located within the S. Orange Avenue right-of-way
Reclaim Water:	Orange County Utilities	Not Currently Available

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 17, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses on the property.

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

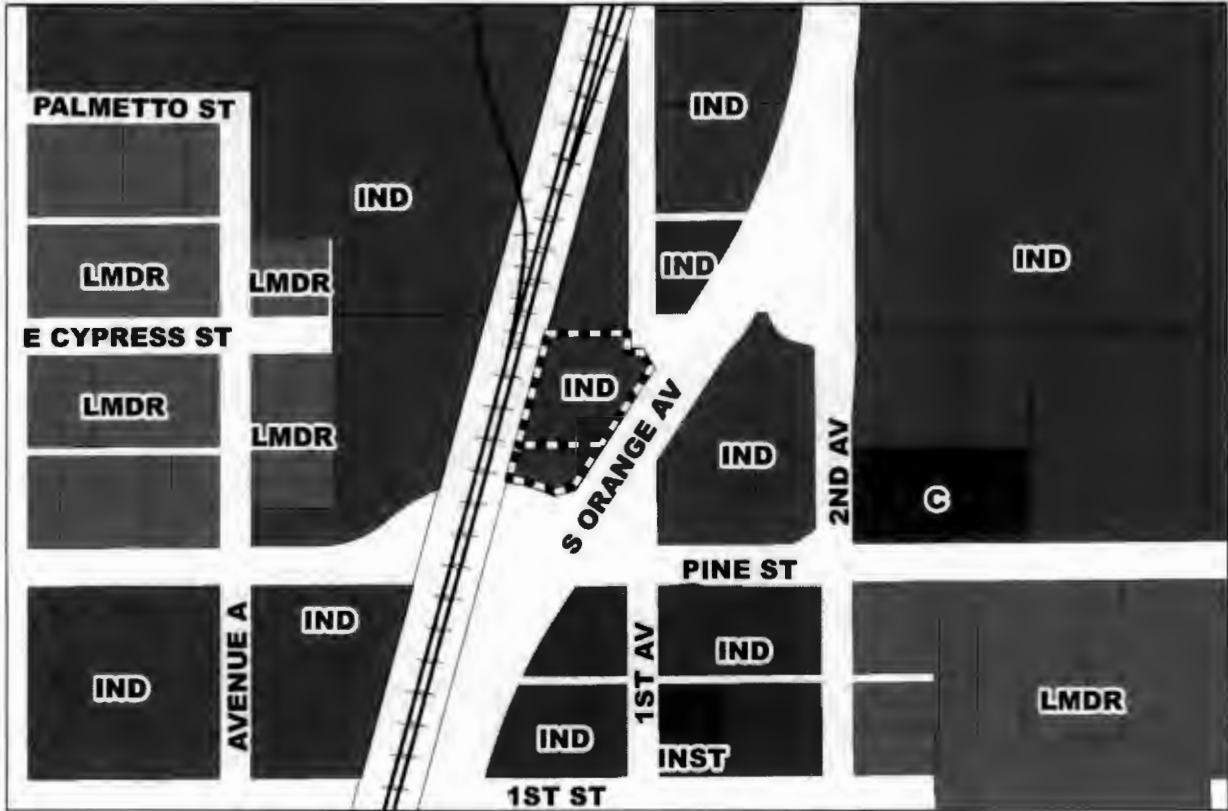
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that the one hundred twenty-six (126) notices were mailed to surrounding property owners within a 500-foot area surrounding the subject property, with one (1) commentary received in support of the request, and zero (0) in opposition. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak about this request.

Following limited discussion, a motion was made by Commissioner Abdallah and seconded by Commissioner Dunn to recommend approval of the requested I-2/I-3 (Industrial District) zoning, subject to two (2) restrictions. The motion carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Mohammed Abdallah / Jimmy Dunn</i>
<b>Voting in Favor</b>	<i>Mohammed Abdallah, Jimmy Dunn, Yog Melwani, Eddie Fernandez, Jose Cantero, Gordon Spears, and Diane Velazquez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>

RZ-19-01-056



Subject Property



Subject Property

**Future Land Use Map**

**FLUM:** Industrial (IND)

**APPLICANT:** Stephen Allen P.E.,  
CivilCorp Engineering Inc.

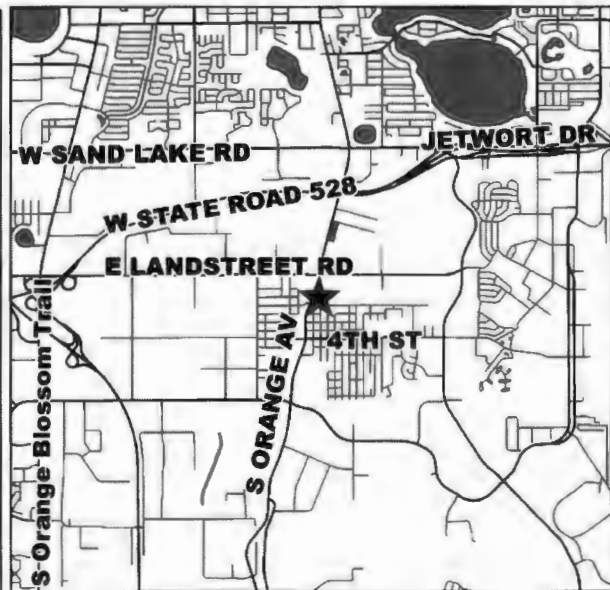
**LOCATION:** Generally located at the northwest corner  
of the intersection of S. Orange Avenue and  
Pine Street, approximately 900 feet south  
of Landstreet Road.

**TRACT SIZE:** 0.77-gross acre

**DISTRICT:** # 4

**S/T/R:** 01/24/29

1 inch = 245 feet



RZ-19-01-056



 Subject Property



★ Subject Property

**Zoning Map**

**FLUM:** C-3 (Wholesale Commercial District) to I-2/I-3 (Industrial District)

**APPLICANT:** Stephen Allen P.E., CivilCorp Engineering Inc.

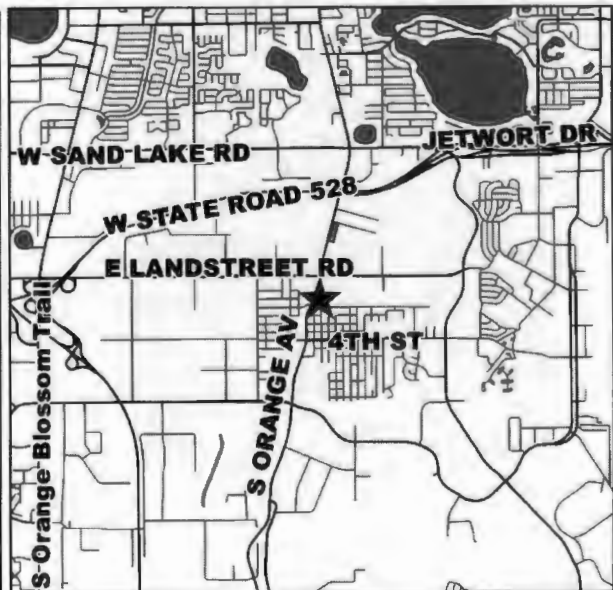
**LOCATION:** Generally located at the northwest corner of the intersection of S. Orange Avenue and Pine Street, approximately 900 feet south of Landstreet Road.

**TRACT SIZE:** 0.77-gross acre

**DISTRICT:** # 4

**S/T/R:** 01/24/29

1 inch = 245 feet

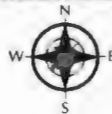




RZ-19-01-056



 Subject Property

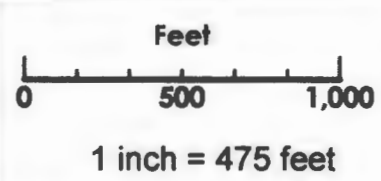
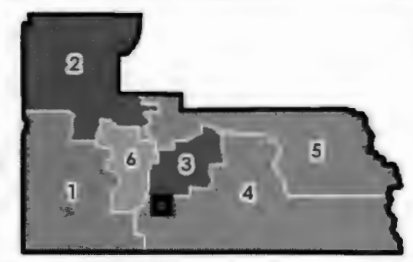
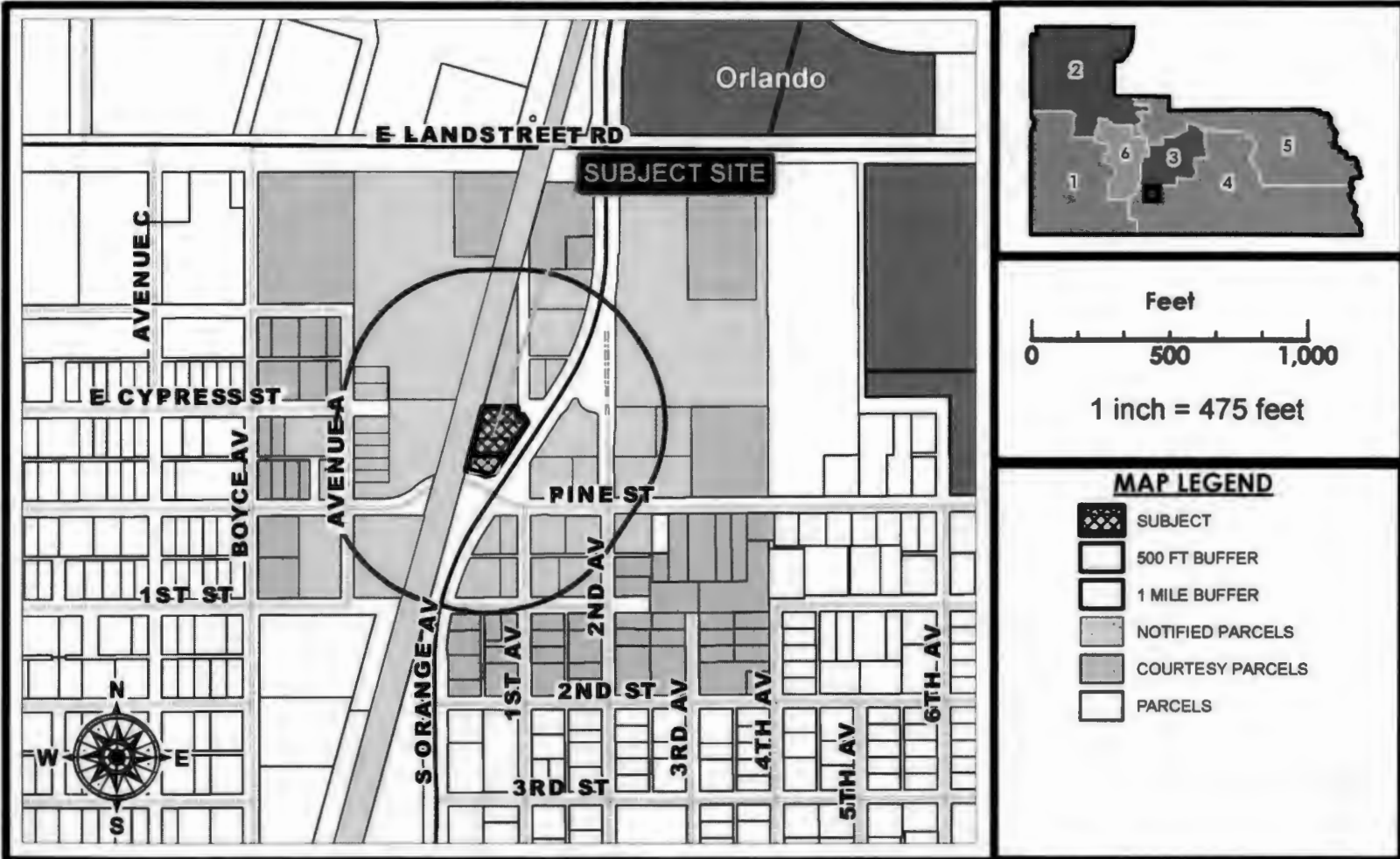


1 inch = 200 feet



# Public Notification Map

RZ-19-01-056\_9208 1st Avenue  
500 FT BUFFER, 126 NOTICES



### MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- 1 MILE BUFFER
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS

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Notification Map

Case # RZ-19-01-056  
Orange County Planning Division  
PZC Hearing Date: January 17, 2019



**CASE # RZ-19-01-057**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Justin Solitro
<b>OWNER</b>	1007 Votaw, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	R-1 (Single-Family Dwelling District) (Restricted) to R-1 (Single Family Dwelling District)
<b>LOCATION</b>	1007 Votaw Road; or generally located north of Votaw Road, west of Dominish Estates Drive, south of Wekiva Landing Drive, and east of Via Florence Drive.
<b>PARCEL ID NUMBER</b>	02-21-28-8308-00-011
<b>TRACT SIZE</b>	5.46 gross acres
<b>PUBLIC NOTIFICATION</b>	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 sixty-nine (169) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Twenty (20) Single-Family Dwelling Units

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to the following restriction:**

- 1) The subject property shall be limited to a maximum of twenty (20) lots with single-family detached residential dwelling units.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The R-1 (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.

### **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-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

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

**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.

**GOAL OS1** states that it is a goal of Orange County to protect and preserve valuable open space resources.

**OBJ OS1.3** states that Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

**OS1.3.4** states that Development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area are required to

cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act: the most effective recharge areas; karst features; and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. By January 1, 2007, the Land Development Code shall include requirements and incentives for open space/conservation subdivision design including minimum open space requirements, maximum lot size and design standards.

Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for passive recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. “Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas.

Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners’ association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners’ personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such.

**OS1.3.6** states that within the Urban Service Area in the Wekiva Study Area, development with an overall size less than or equal to 100 acres – open space shall be 35% or greater.

**SITE DATA**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: R-CE (Country Estate District) (1976) E: R-1 (Single-Family Dwelling District) (1971) W: A-1 (Farmland Rural District) (1957) S: A-1 (Farmland Rural District) (1957)
<b>Adjacent Land Uses</b>	N: Single-Family Residential Dwelling Units E: Single-Family Residential Dwelling Units W: Single-Family Residential Dwelling Units S: Single Family Residential Dwelling Units

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

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

**Building Setbacks**

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

**Intent, Purpose, and Uses:**

The R-1 (Single-family Dwelling District) standards are of the same general character as R-1A and R-1AA, but with smaller minimum lots and yards, and a corresponding increase in population density.

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**

**Subject Property Analysis**

The subject property is located at 1007 Votaw Road; or generally located north of Votaw Road, west of Dominish Estates Drive, south of Wekiva Landing Drive, and east of Via Florence Drive. Through this request, the applicant is seeking to remove the ten (10) lot restriction currently associated with the R-1 (Single-Family Dwelling District) zoning in order to construct twenty (20) detached single-family dwelling units. The subject property is located within the Wekiva Study Area and will be subject to the standards set forth in the Comprehensive Plan. This includes OS1.3.6, which requires a minimum thirty-five (35) percent open space for residential land uses in the Urban

Service Area (not in a Rural Settlement) less than or equal to one hundred (100) acres.

The applicant has described the subject property as the second phase of Dominish Estates, which is platted as a single-family subdivision to the east. In addition, the applicant intends to seek access to the proposed development from Dominish Estates Drive. In order to facilitate this access, Orange County reserved a portion of an existing and adjacent retention pond tract as right-of-way (*see included exhibit that was recorded in Orange County Records under Document #20160397702*).

The subject property was initially rezoned in 2017 by rezoning case RZ-16-11-041 from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) with a restriction limiting the property to ten (10) lots. Due to limited school capacity when the rezoning occurred in 2017, the ten (10) lot restriction was agreed to by the applicant in order to for Orange County Public Schools (OCPS) to consider the request de minimis. The applicant has received approval of a School Capacity Determination (OC-18-024) for twenty (20) single-family dwelling units dated November 16, 2018. This School Capacity Determination is on file with the County.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying low Density Residential (LDR) Future Land Use Map (FLUM) designation.

**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.

**Community Meeting Summary**

A community meeting was held January 14, 2019 at Apopka Memorial Middle School. A verbal summary of this community meeting will be included in staff's presentation to the Planning and Zoning Commission on January 17, 2019.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located within the Apopka JPA. Notice of the rezoning was sent to the City for their review, but no comments have been provided to Orange County.

**Overlay District Ordinance**

The subject property is not located within an overlay district.

**Airport Noise Zone**

The subject property is not located within an airport noise zone.

**Environmental**

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030 Destination 2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Prior to demolition or construction activities associated with existing structures, provide the Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

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.

**Transportation / Access**

Based on the Concurrency Management System database dated November 20, 2018 there is one (1) failing roadway segment within the project's impact area. Orange Blossom Trail from Semoran Boulevard to Park Avenue is currently operating below the adopted level of service and there is no available capacity. This information is dated and subject to change. The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.



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**Utilities**

Water: City of Apopka  
Wastewater: City of Apopka  
Reclaim Water: City of Apopka

**Schools**

The applicant has received a formal Capacity Determination (Application OC-18-024) from Orange County Public Schools (OCPS) stating there is sufficient capacity at the elementary and high school level; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation did not provide any objections to this request.

**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 17, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to the following restrictions:**

- 1) The subject property shall be limited to a maximum of twenty (20) lots with single-family detached residential dwelling units; and
- 2) A fifty (50) foot vehicular cross-access easement shall be provided at the time of Preliminary Subdivision Plan (PSP) to the property to the south.

**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-1 (Single-Family Dwelling District) zoning, subject to one (1) restriction.

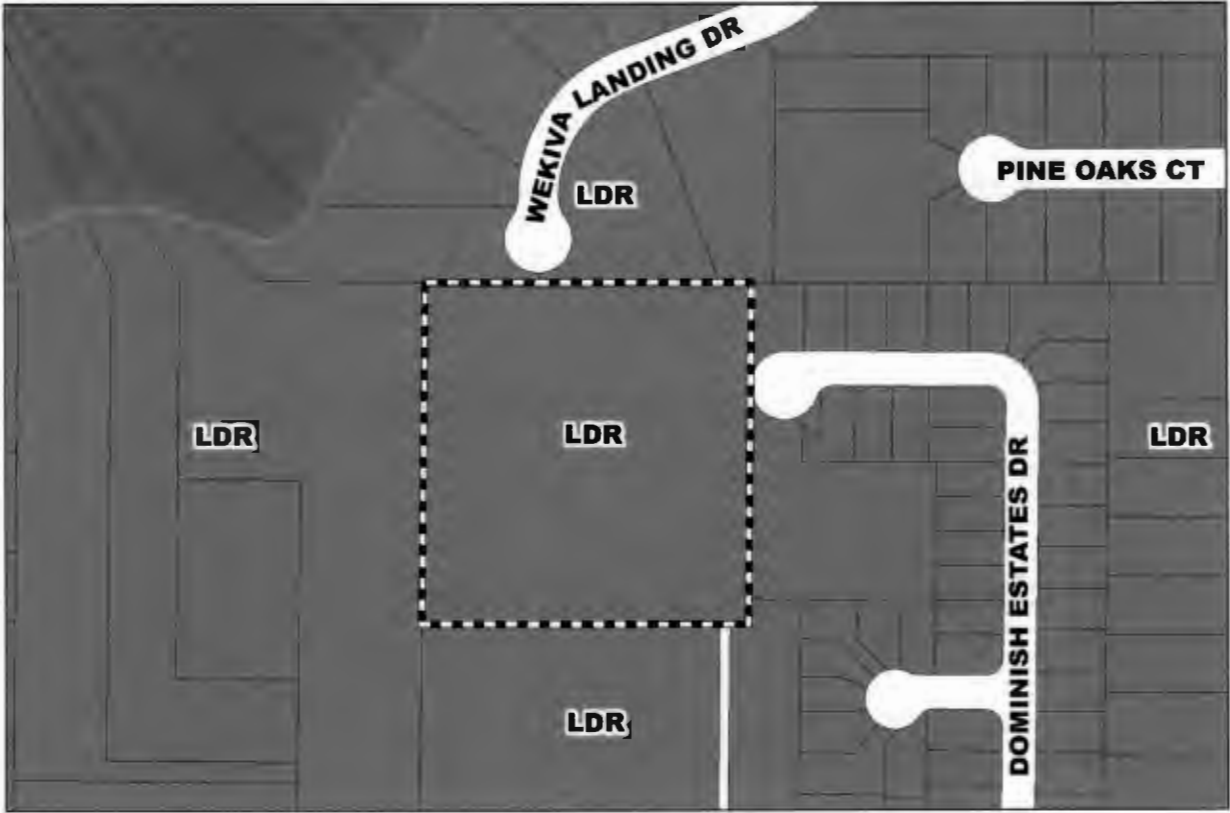
Staff indicated that one hundred sixty-nine (169) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) commentaries in favor of the request and thirty-six (36) in opposition. The applicant was present and agreed with the staff recommendation. There were six (6) members of the public who spoke in opposition to this request.

After discussion regarding compatability with the surrounding area, acess to the site, and the addition of a restriction requiring connectivity to the south, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to two (2) restrictions. Commissioner Spears seconded the motion, which then carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Diane Velazquez / Gordon Spears</i>
<b>Voting in Favor</b>	<i>Diane Velazquez, Gordon Spears, Jose Cantero, Jimmy Dunn, Eddie Fernandez, Mohammed Abdallah, and Yog Melwani</i>
<b>Voting in Oppositon</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>



RZ-19-01-057



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Low Density Residential (LDR)

**APPLICANT:** Justin Solitro

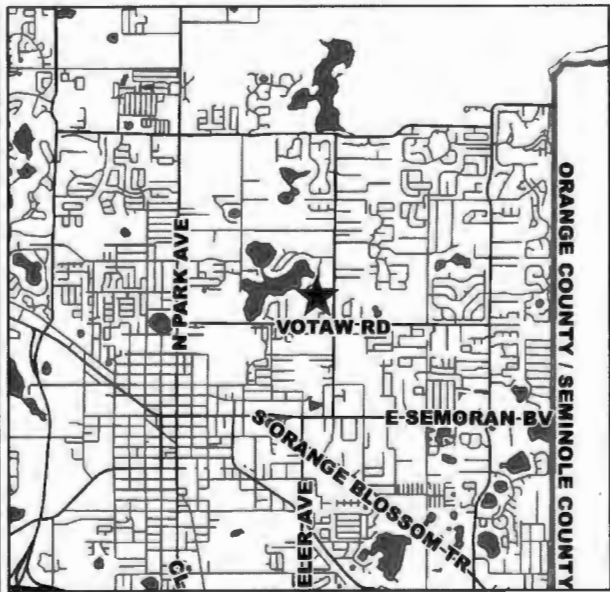
**LOCATION:** 1007 Votaw Road; or generally located north of Votaw Road, west of Dominish Estates Drive, south of Wekiva Landing Drive, and east of Via Florence Drive.

**TRACT SIZE:** 5.46-gross acres

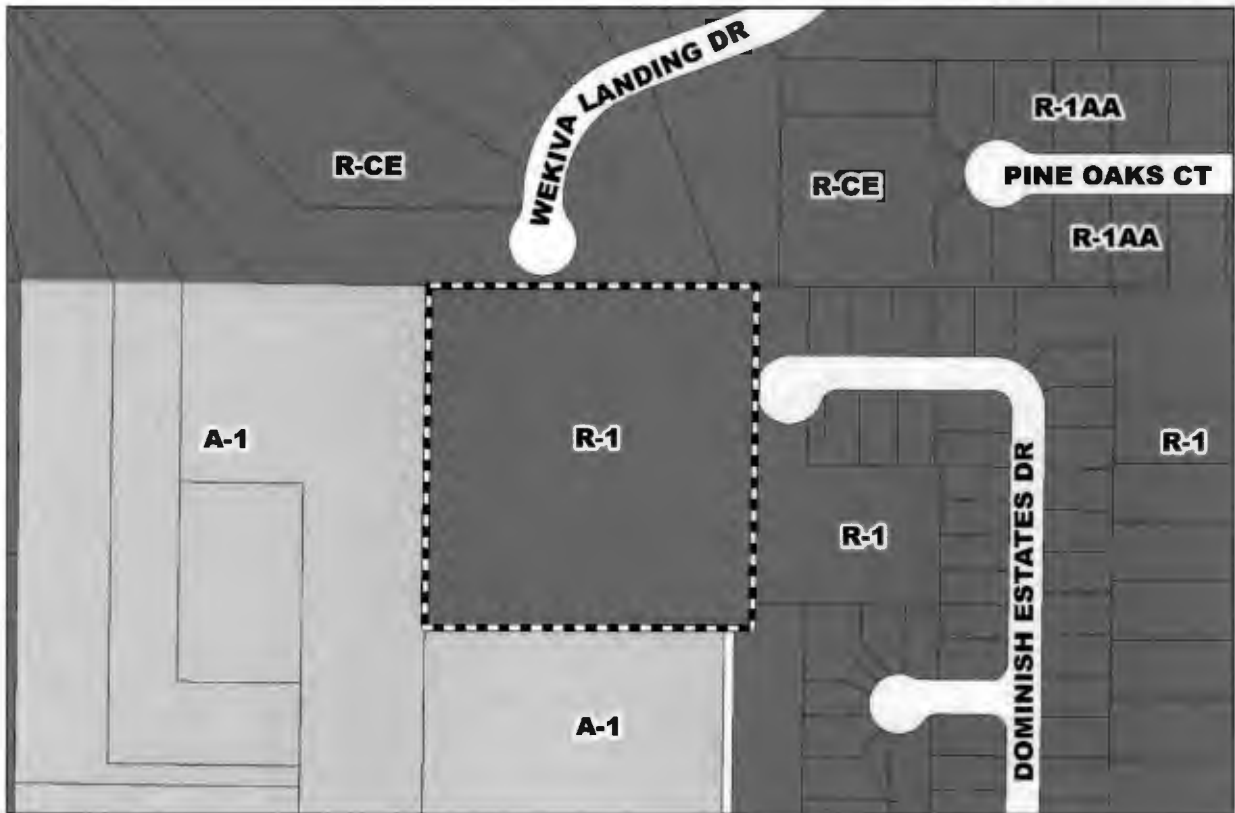
**DISTRICT:** # 2

**S/T/R:** 02/21/28

1 inch = 230 feet



RZ-19-01-057



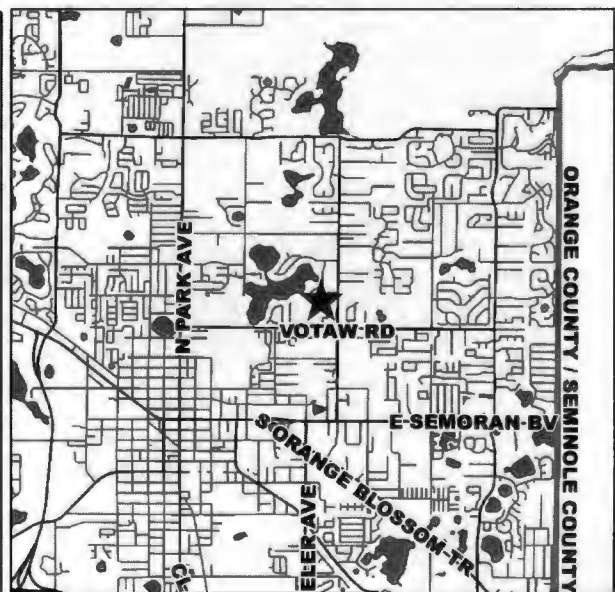
Subject Property



Subject Property

**Zoning Map**  
**ZONING:** R-1 (Single-Family Residential District) to R-1 (Single Family Residential District)  
**APPLICANT:** Justin Solitro  
**LOCATION:** 1007 Votaw Road; or generally located north of Votaw Road, west of Dominish Estates Drive, south of Wekiva Landing Drive, and east of Via Florence Drive.  
**TRACT SIZE:** 5.46-gross acres  
**DISTRICT:** # 2  
**S/T/R:** 02/21/28

1 inch = 230 feet



RZ-19-01-057



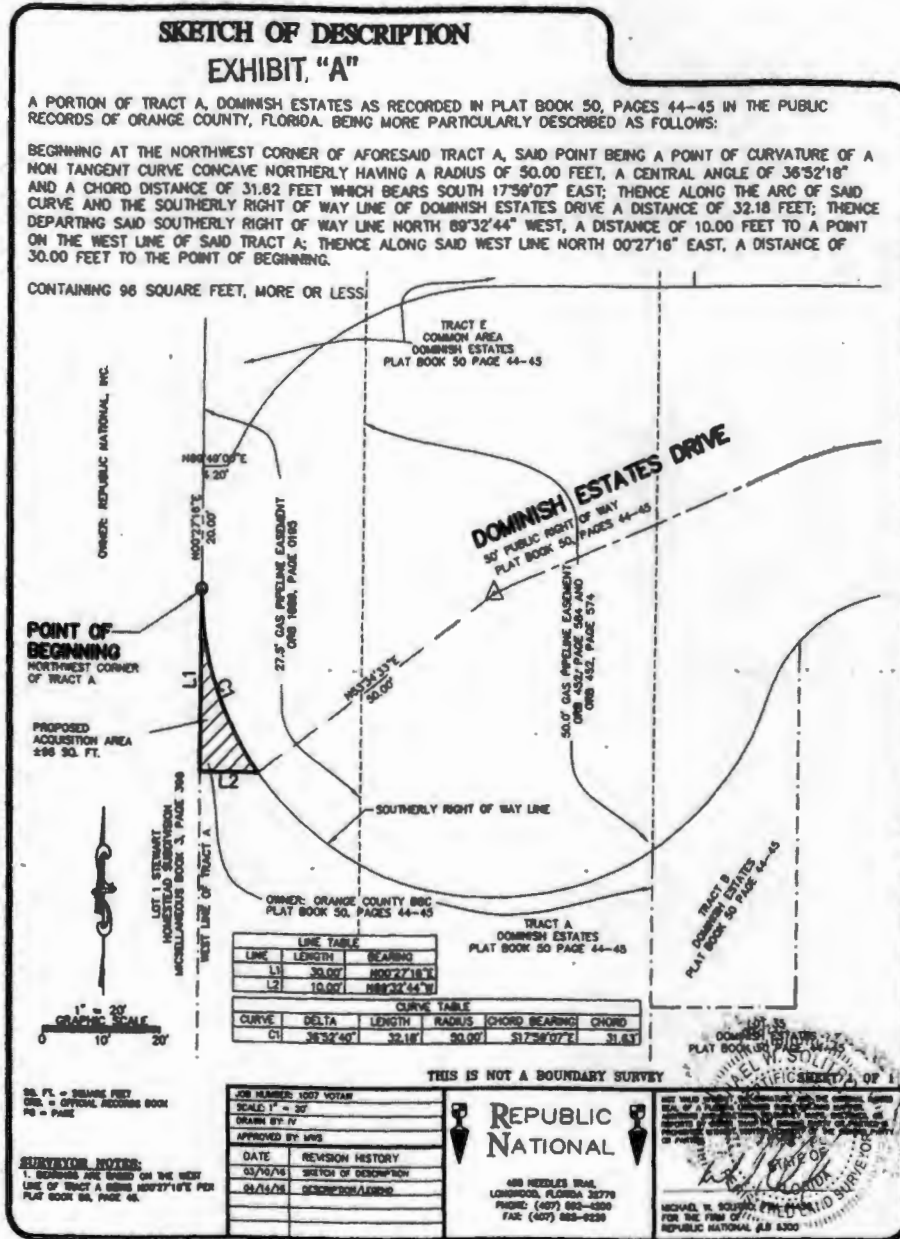
 Subject Property



1 inch = 200 feet

# Orange County Right-Of-Way Reservation Survey

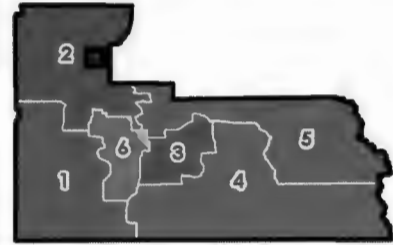
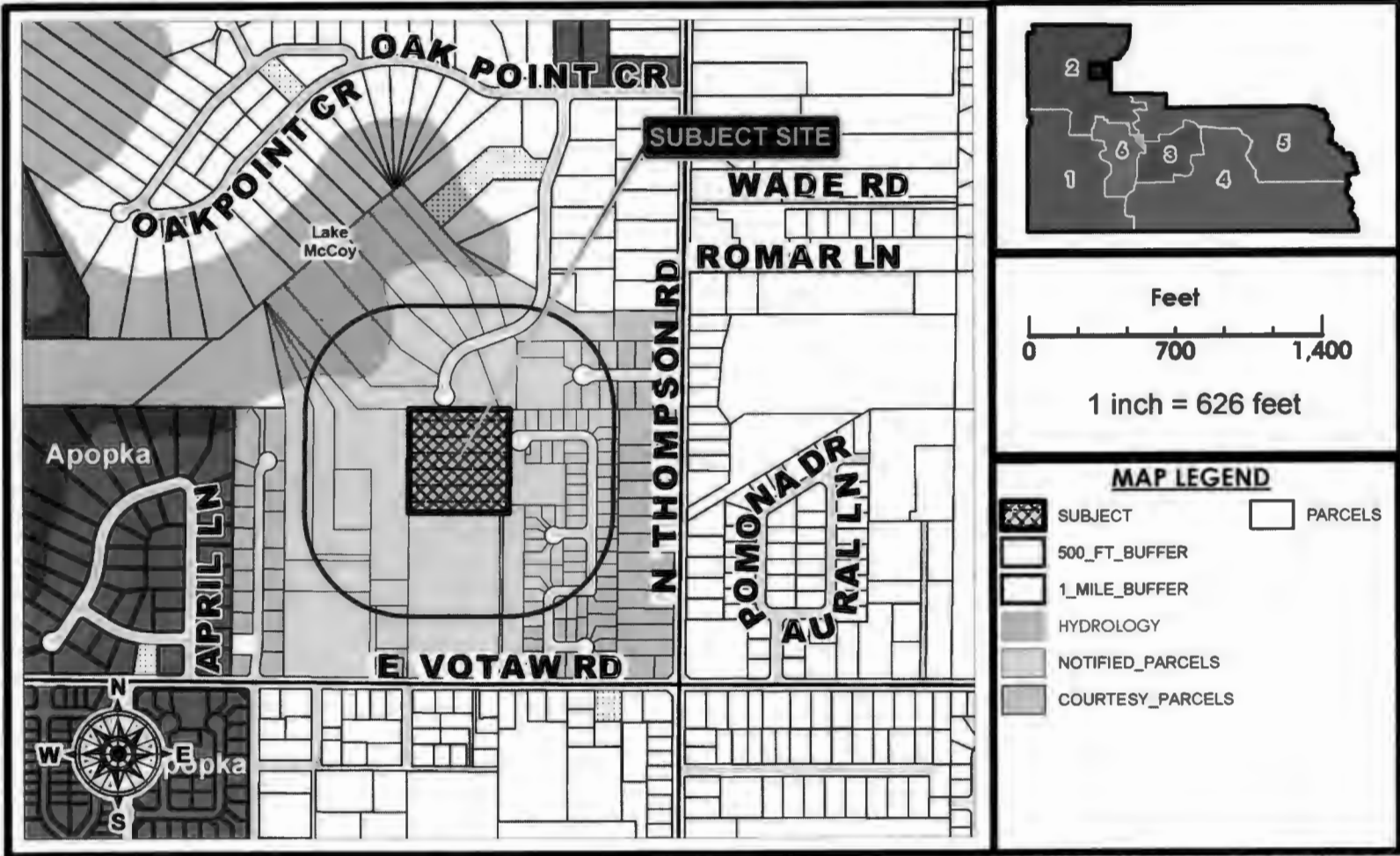
20160397702 Page 2 of 2





# Public Notification Map

RZ-19-01-057\_1007 Votaw Road  
500 FT BUFFER, 169 NOTICES



1 inch = 626 feet

### MAP LEGEND

- SUBJECT
- 500\_FT\_BUFFER
- 1\_MILE\_BUFFER
- HYDROLOGY
- NOTIFIED\_PARCELS
- COURTESY\_PARCELS
- PARCELS

Notification Map

Case # RZ-19-01-057  
Orange County Planning Division  
PZC Hearing Date: January 17, 2019

**CASE # RZ-19-01-058**

Commission District: #3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Rosa I. Rivera
<b>OWNER</b>	Rosa I. Rivera
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-CE (Country Estate District) to R-1AAAA (Residential Urban District)</b>
<b>LOCATION</b>	505 S. Econlockhatchee Trail; or generally located on the east side of S. Econlockhatchee Trail and 385 feet south of Lake Underhill Road
<b>PARCEL ID NUMBER</b>	31-22-31-0000-00-004
<b>TRACT SIZE</b>	1.67 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-five (95) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Two (2) Single-Family Detached Dwelling Units (one per lot, pending approved lot split)

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAAA (Residential Urban District) zoning.**

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-1AAAA (Residential Urban District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.



**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-1AAAA (Residential Urban District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

**FLU1.1.5** states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Infill is defined as development consistent with the Infill Master Plan (2008).

**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.

**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.

**OBJ FLU2.1** states that Orange County shall promote and encourage infill development.

**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.



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**SITE DATA**

**Existing Use**                      Single-Family Residential

**Adjacent Zoning**                N:    R-CE (Country Estate District) (1957)  
   E:    R-CE (Country Estate District) (1957)  
   W:    R-1AA (Single-Family Dwelling District) (1969)  
   S:    R-1AAAA (Residential Urban District) (2006)

*\*No zoning restrictions apply to the above*

**Adjacent Land Uses**            N:    Duke Energy Transmission Line  
   E:    Duke Energy Transmission Line / State Road 417  
   W:    Single-Family Residential  
   S:    Single-Family Residential

**R-1AAAA (Residential Urban District) Development Standards**

Min. Lot Area:                    21,780 sq. ft. (1/2 acre)  
Min. Lot Width:                   110 feet  
Max. Height:                      35 feet  
Min. Floor Area:                 1,500 sq. ft.

**Building Setbacks**

Front:                              30 feet  
Rear:                                35 feet  
Side:                                10 feet

**Intent, Purpose, and Uses**

The intent and purpose of the R-1AAAA residential urban district is to provide for single-family homes in low density areas within the existing or planned urban service area.

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**

**Subject Property Analysis**

The subject property is located 505 S. Econlockhatchee Trail; or generally located on the east side of S. Econlockhatchee Trail and 385 feet south of Lake Underhill Road. The Future Land Use Map (FLUM) designates the subject property and surrounding neighborhoods as Low Density Residential (LDR), which allows for up to four (4) dwelling units per acre of single-family residential.

The subject property is currently zoned R-CE (Country Estate District) and is currently developed with a 1,812 square foot single-family residence and a detached accessory structure (barn). Through this request the applicant is seeking to rezone the subject property to R-1AAAA (Residential Urban District) and intends to split the lot and develop a single-family residence on the resulting lot in the future.

The area surrounding the subject property is characterized primarily by single-family detached units with a variety of lot sizes. The immediate area was initially from R-1, R-1A and R-1AA (Single-Family Dwelling Districts) in 1957 with the establishment of the Orange County Zoning Code and was rezoned to R-CE (Country Estate District) in 1968. In 1969, the area west of S. Econlockhatchee Trail, across from the subject property, was rezoned to R-1AA (Single-Family Dwelling District) to allow for the development of the Deerwood subdivision. More recently, the property to the south of the subject property was rezoned to R-1AAAA (Residential Urban District) in 2006 to allow for a lot split and development of two (2) dwelling units overall. The lot split was completed, but the additional dwelling was never constructed.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

The Orange County Environmental Protection Division (EPD) reviewed this request, but did not provide any comments.

**Transportation / Access**

The proposed request will generate 1 PM peak hour trip and will not impact any roadways within a one-mile radius.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Utilities**

Water:	Orange County Utilities	16-inch and 36-inch watermains located within the S. Econlockhatchee Trail right-of-way
Wastewater:	Orange County Utilities	20-inch forcemain within the S. Econlockhatchee Trail right-of-way
Reclaim Water:	Orange County Utilities	Not Available

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the rezoning request, but did not identify any issues or concerns.

**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 17, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AAAA (Residential Urban 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-1AAAA (Residential Urban District) zoning.

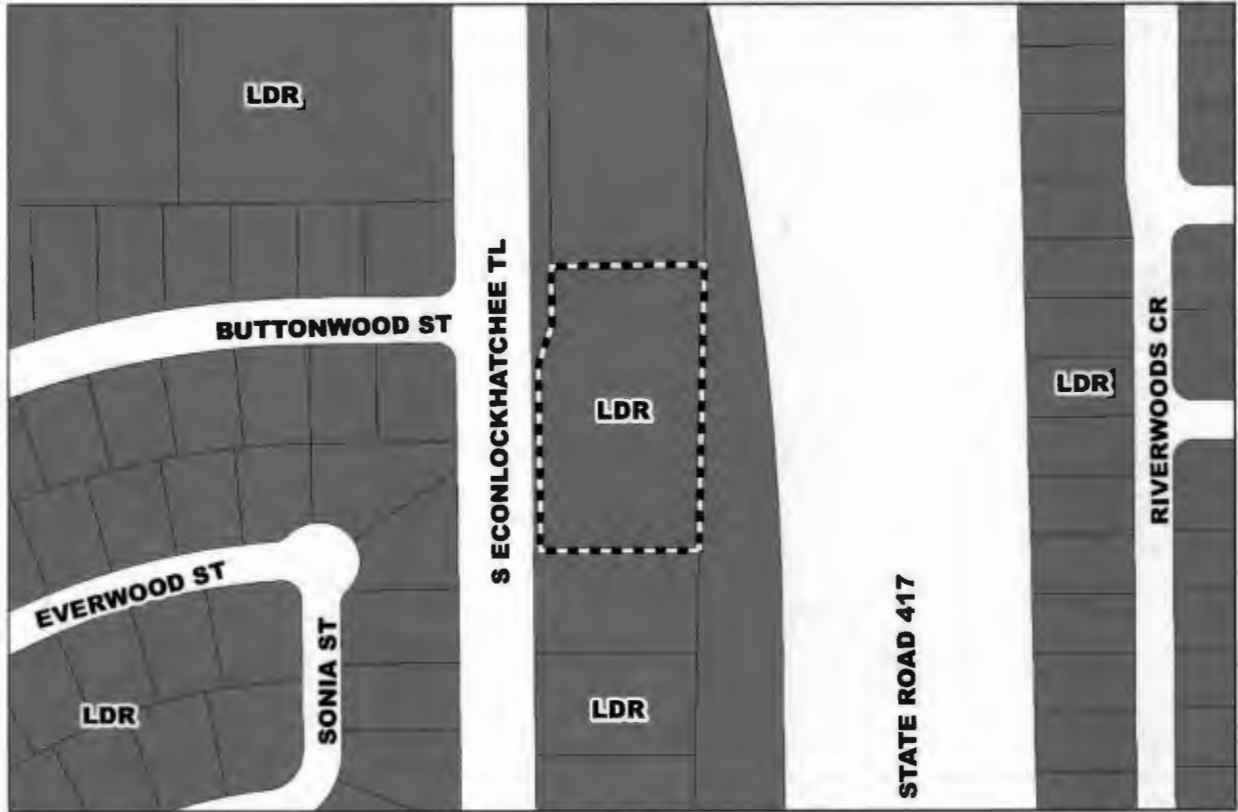
Staff indicated that ninety-five (95) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received

in favor or in opposition to the request. The applicant was not present for the hearing. There were four (4) members of the public present that spoke in opposition to the request, citing concerns with overdevelopment of the area and traffic impacts.

After limited discussion, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1AAAA (Residential Urban District) zoning. Commissioner Dunn seconded the motion, which then carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Eddie Fernandez / Jimmy Dunn</i>
<b>Voting in Favor</b>	<i>Eddie Fernandez, Jimmy Dunn, Yog Melwani, Gordon Spears, Diane Velazquez, Jose Cantero, and Mohammed Adballah</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>

RZ-19-01-058



 Subject Property

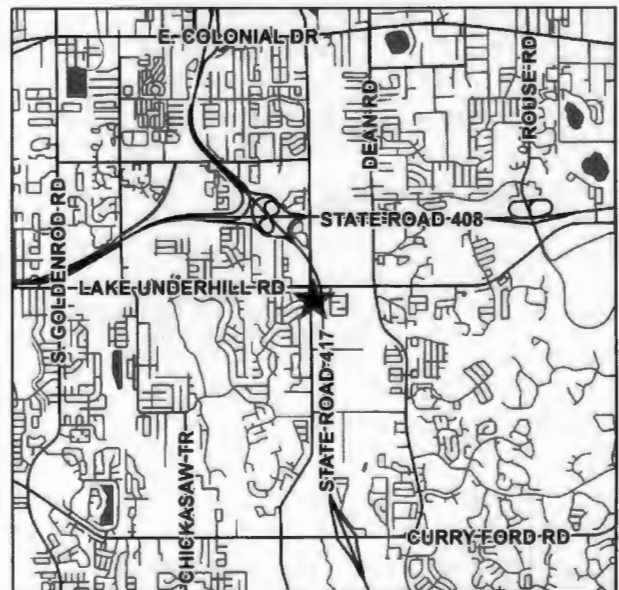


★ Subject Property

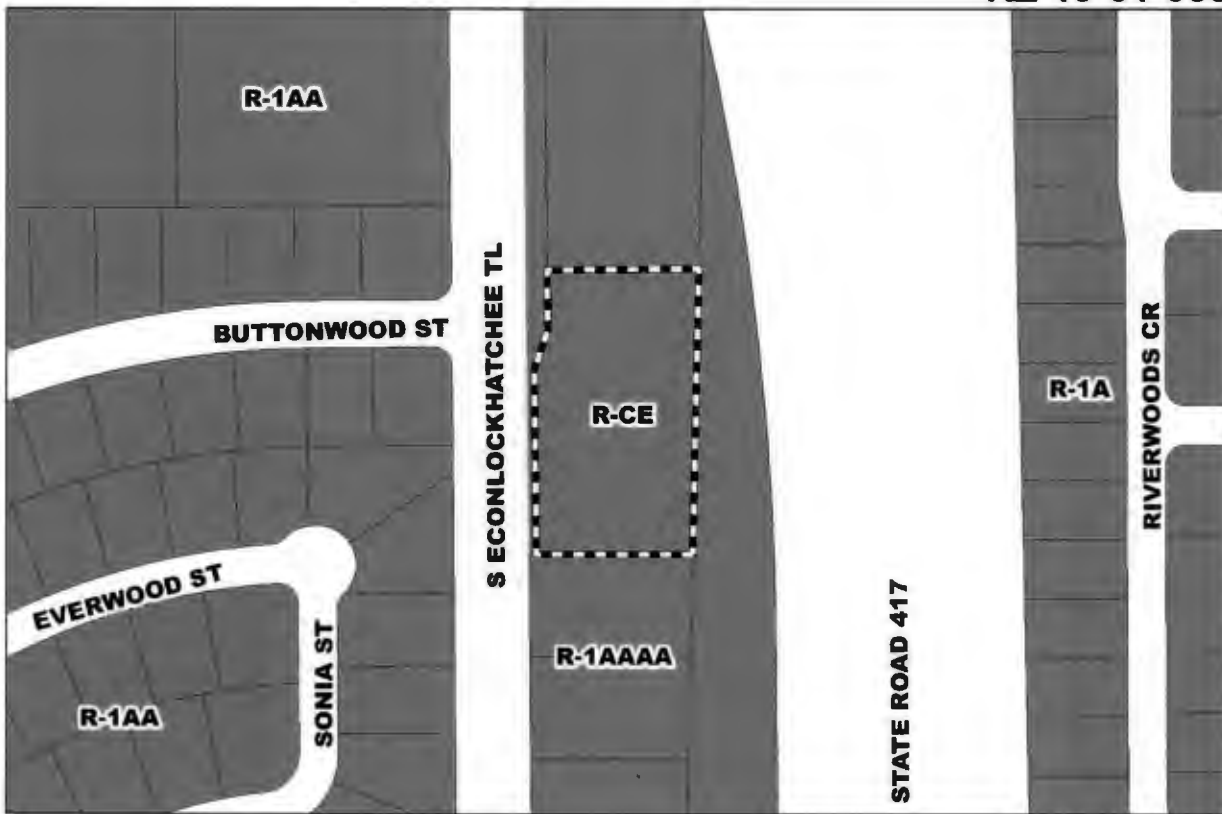
### Future Land Use Map

**FLUM:** Low Density Residential (LDR)  
**APPLICANT:** Rosa I. Rivera  
**LOCATION:** 505 S. Econlockhatchee Trail; or generally located on the east side of S. Econlockhatchee Trail and 385 feet south of Lake Underhill Road  
**TRACT SIZE:** 1.67 gross acres  
**DISTRICT:** # 3  
**S/T/R:** 31/22/31

1 inch = 200 feet



RZ-19-01-058



 Subject Property



★ Subject Property

**Zoning Map**

**ZONING:** R-CE (Country Estate District) to R-1AAAA (Residential Urban District)

**APPLICANT:** Rosa I. Rivera

**LOCATION:** 505 S. Econlockhatchee Trail; or generally located on the east side of S. Econlockhatchee Trail and 385 feet south of Lake Underhill Road

**TRACT SIZE:** 1.67 gross acres

**DISTRICT:** # 3

**S/T/R:** 31/22/31

1 inch = 200 feet



RZ-19-01-058



 Subject Property



1 inch = 150 feet

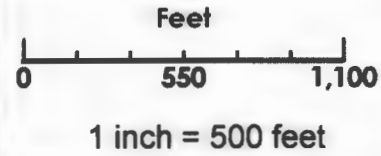
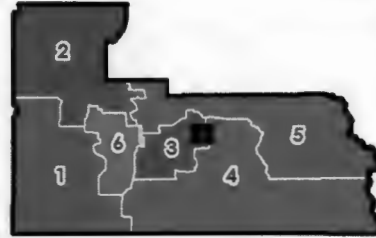
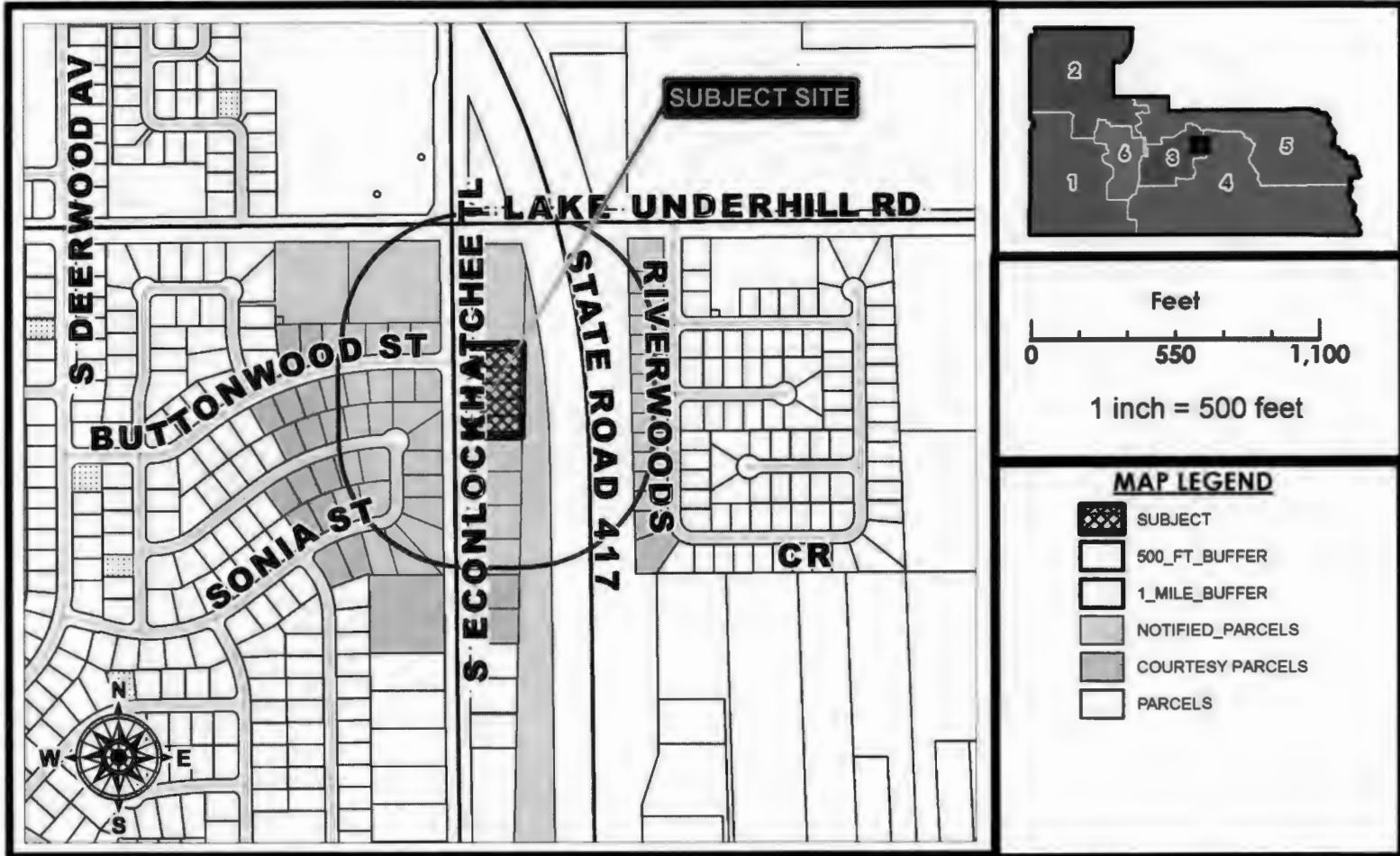




# Public Notification Map

RZ-19-01-058\_505 S Econlockhatchee Trail

500 FT BUFFER, 95 NOTICES



### MAP LEGEND

- SUBJECT
- 500\_FT\_BUFFER
- 1\_MILE\_BUFFER
- NOTIFIED\_PARCELS
- COURTESY PARCELS
- PARCELS

S:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

Notification Map

Case # RZ-19-01-058  
 Orange County Planning Division  
 PZC Hearing Date: January 17, 2019

**CASE # RZ-19-01-059**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Stephen Allen, P.E., CivilCorp Engineering, Inc.
<b>OWNER</b>	Anthony Mojica
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>I-2 / I-3 (Industrial District) and R-2 (Residential District) to I-2 / I-3 (Industrial District)</b>
<b>LOCATION</b>	701 Pine Street; or generally located on the north side of Pine Street, the east side of Avenue A, and approximately 200 feet west of S. Orange Avenue
<b>PARCEL ID NUMBER</b>	01-24-29-0000-00-006
<b>TRACT SIZE</b>	1.63 gross acres
<b>PUBLIC NOTIFICATION</b>	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-eight (128) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Automobile Towing and Storage

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses; and

- 3) A Type "B" buffer shall be used to separate industrial (I-2 / I-3) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The I-2/I-3 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-2 / I-3 (Industrial District) zoning is consistent with the industrial FLUM designation and the following Comprehensive Plan provisions:

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

**FLU1.4.16** states The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development. (Added 05/03, Ord. 03-03, Policy 4.1.10-r)

**FLU1.4.17** states Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County. Industrial requests found to be consistent with the Comprehensive Plan in areas where there are industrial deficits should be supported, provided these locations are found to be compatible and services are available. Further, amendments to DRIs or PDs that have the effect of reducing industrial

**FLU1.4.18** states the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses – particularly in existing corridors and areas in proximity to Activity Centers – and provide a variety of locations with different transportation accessibility opportunities (such as arterials and highways, airports and railroad). (Added 12/00, Ord. 00-25, Policy 3.2.15)

**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**

<b>Existing Use</b>	Automobile Towing and Storage
<b>Adjacent Zoning</b>	N: I-2 / I-3 (Industrial District) (1965) E: C-3 (Wholesale Commercial District) (1957) W: R-2 (Residential District) (1971) S: I-2 / I-3 (Industrial District) (1971)
<b>Adjacent Land Uses</b>	N: Outdoor Storage/Single-Family Dwelling Unit E: Undeveloped Land W: Single-Family Dwelling Units S: Warehousing

### **I-2 / I-3 (Industrial District) Development Standards**

Max. Height: 50 ft. (35 ft. within 100 ft. of any residential use or district)

#### **Building Setbacks**

Front: 25 ft.  
Rear: 10 ft.  
Side: 15 ft.

**Intent, Purpose, and Uses:**

The intent and purpose of the I-2 / I-3 industrial district is to provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities, to establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the adoption of this article but which may be prohibited by the requirements of the I-1A and I-1 / I-5 industrial districts, to establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land, and to establish and maintain standards which will protect adjacent residential and commercial developments.

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**

**Subject Property Analysis**

The subject property is located at 701 Pine Street; or generally located on the north side of Pine Street, the east side of Avenue A, and approximately 200 feet west of S. Orange Avenue. The Future Land Use Map (FLUM) designates the subject property as Industrial (IND), which allows for a 0.75 Floor Area Ratio (FAR).

The subject property is currently zoned I-2 / I-3 (Industrial District) and R-2 (Residential District) and is currently developed with an automobile towing and storage use. Through this request, the applicant is seeking to rezone the property to I-2 / I-3 in order for the entire property to be consistent with the underlying FLUM designation.

The area surrounding the subject property consist of residential development to the west and varying levels of industrial and commercial development to the north, south, and east. The S. Orange Avenue Corridor to the east included uses such as warehousing, automobile repair, and outdoor vehicle storage. The subject property is also adjacent to the railroad right-of-way, which is located to the east.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) Future Land Use Map (FLUM) designation.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

Construction will require Best Management Practices (BMPs) for erosion control. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Any miscellaneous garbage, hazardous waste, yard waste and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. The applicant shall refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

This site is adjacent to residential properties. Emissions of unconfined particulate matter shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities, such as loading, unloading, storing, or handling, without taking reasonable precautions to prevent such emissions. Reasonable precautions include but are not limited to: application of water, dust suppressants, planting of vegetation, point of activity controls (e.g. hoods, filters) and other measures. Reference Orange County Code Section 15-89.1 Air Pollution Prohibited.



**Transportation / Access**

Based on the concurrency management system database dated December 12, 2018, there are no failing roadway segments within a one mile radius of this project. This information is dated and subject to change. Depending of the development density of the subject parcel, a traffic study may be required prior to obtaining an approved capacity encumbrance letter and building permit.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Utilities**

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8-inch forcemain is located within the Pine Street right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 17, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses; and



- 3) A Type "B" buffer shall be used to separate industrial (I-2 / I-3) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years.

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

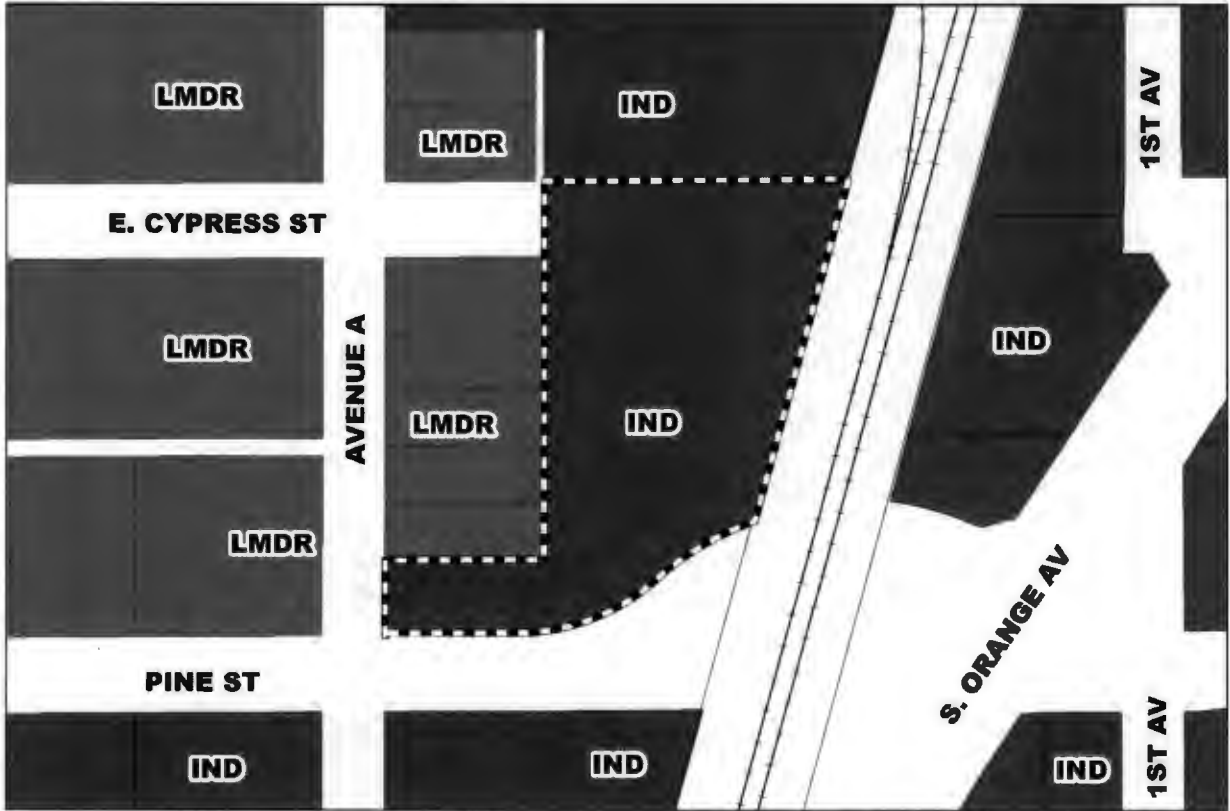
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-2/I-3 (Industrial District) zoning, subject to three (3) restrictions.

Staff indicated that one hundred twenty-eight (128) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with one (1) commentary received in favor of the request and zero (0) received in opposition. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After limited discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the I-2/I-3 (Industrial District) zoning, subject to three (3) restrictions. Commissioner Cantero seconded the motion, which then carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Jimmy Dunn / Jose Cantero</i>
<b>Voting in Favor</b>	<i>Jimmy Dunn, Jose Cantero, Gordon Spears, Yog Melwani, Mohammed Abdallah, Diane Velazquez, and Eddie Fernandez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>

RZ-19-01-059



Subject Property



Subject Property

**Future Land Use Map**

FLUM: Industrial

APPLICANT: Stephen Allen, P.E.,  
 CivilCorp Engineering, Inc.

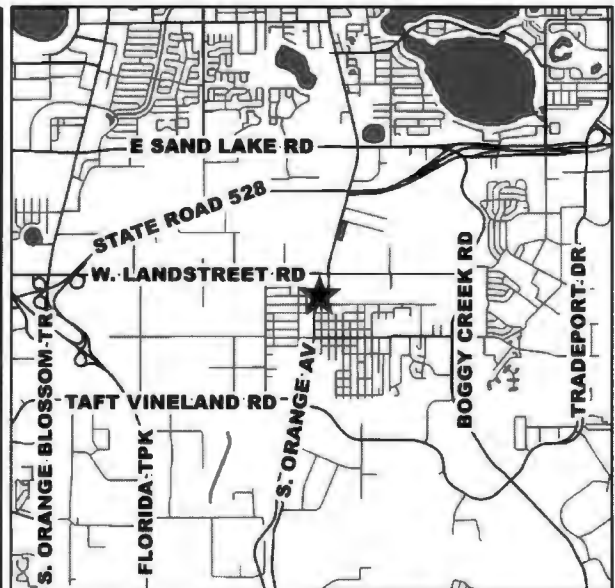
LOCATION: 701 Pine Street; or generally located on  
 the north side of Pine Street, the east  
 side of Avenue A, and approximately 200  
 feet west of S. Orange Avenue.

TRACT SIZE: 1.63-gross acres

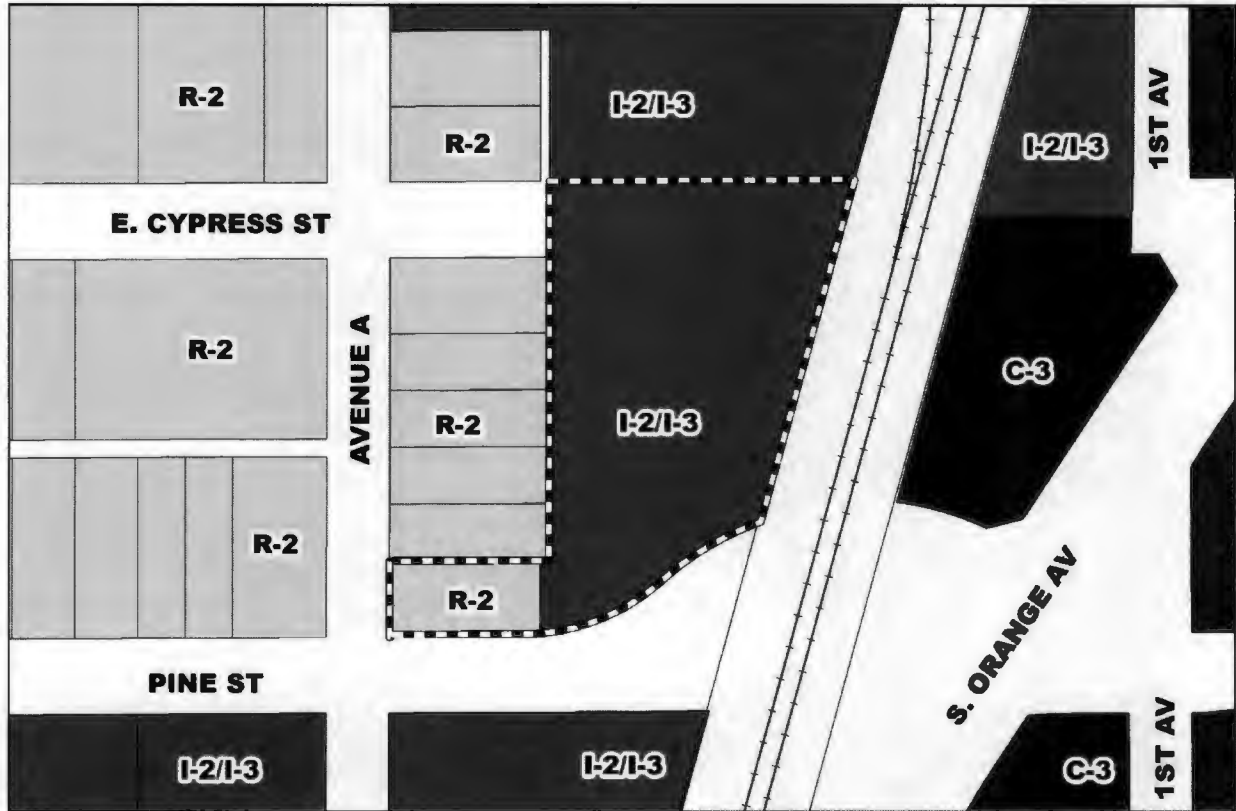
DISTRICT: # 4

S/T/R: 01/24/29

1 inch = 125 feet



RZ-19-01-059



Subject Property



Subject Property

**Zoning Map**

**ZONING:** I-2/I-3 (Industrial District) and R-2 (Residential District) to I-2/I-3 (Industrial District)

**APPLICANT:** Stephen Allen, P.E.,  
CivilCorp Engineering, Inc.

**LOCATION:** 701 Pine Street; or generally located on the north side of Pine Street, the east side of Avenue A, and approximately 200 feet west of S. Orange Avenue.

**TRACT SIZE:** 1.63-gross acres

**DISTRICT:** # 4

**S/T/R:** 01/24/29

1 inch = 125 feet



RZ-19-01-059



**Subject Property**

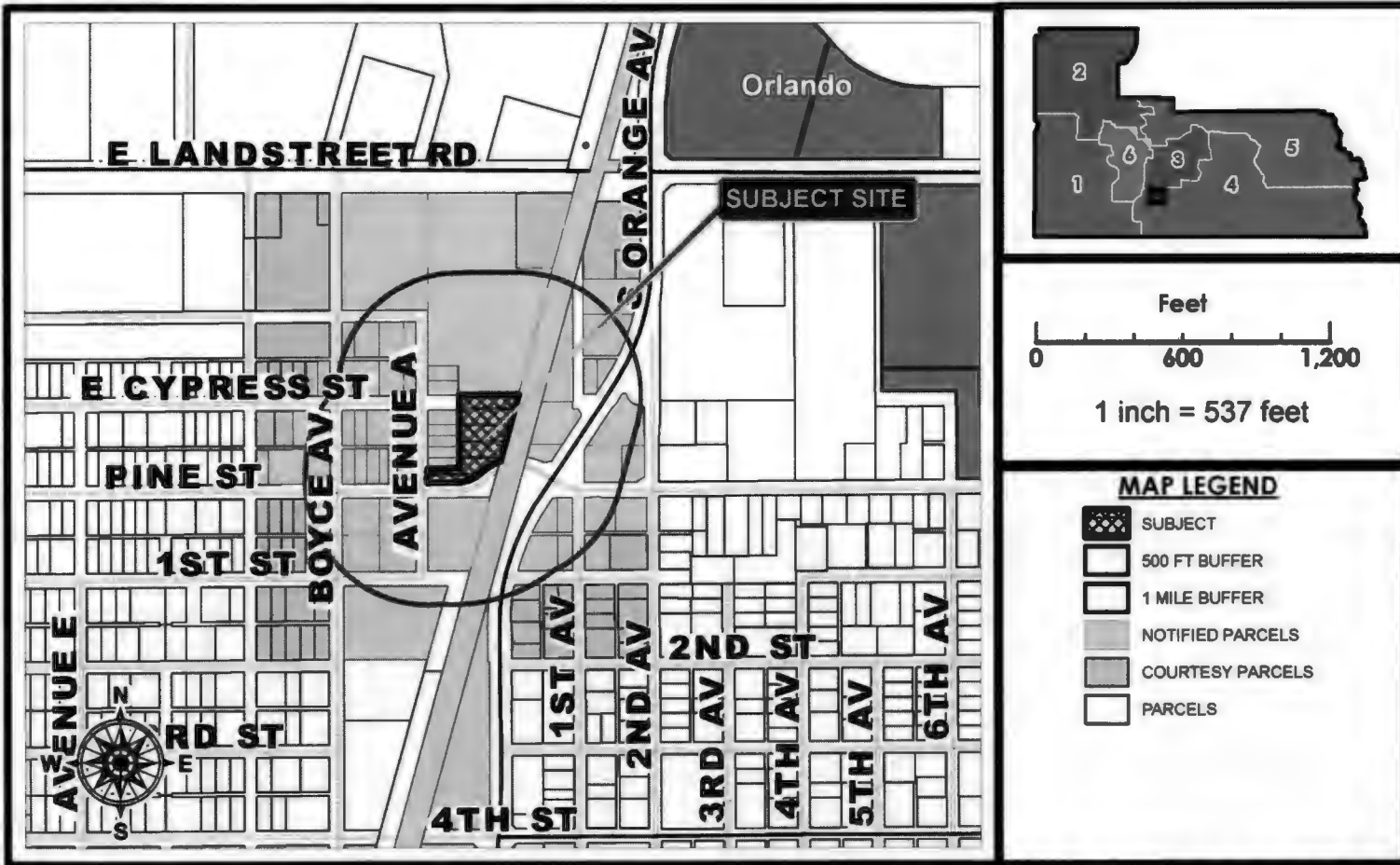


**1 inch = 125 feet**



# Public Notification Map

RZ-19-01-059\_701 Pine Street  
500 FT BUFFER, 128 NOTICES



Notification Map

Case Planner:  
Nathaniel Wicke

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: January 17, 2019

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**CASE # RZ-19-01-060**

Commission District: #2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Charles Parke
<b>OWNER</b>	Holding Trust No. 16
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)</b>
<b>LOCATION</b>	1951 Clarcona Road; or generally located on the east side of Clarcona Road, approximately 100 feet north of Old Apopka Road
<b>PARCEL ID NUMBER</b>	22-21-28-0000-00-177
<b>TRACT SIZE</b>	0.38-gross acre
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1,300 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eleven (111) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Single-Family Dwelling

**STAFF RECOMMENDATION**

**PLANNING**

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

**IMPACT ANALYSIS**

**Land Use Compatibility**

The R-1 (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.



**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-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

**FLU1.1.5** states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. Infill is defined as development consistent with the Infill Master Plan (2008).

**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.

**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.

**OBJ FLU2.1** states that Orange County shall promote and encourage infill development.

**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.



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**SITE DATA**

**Existing Use**                      Undeveloped

**Adjacent Zoning**            N:    A-1 (Citrus Rural District) (1957)  
   E:    A-1 (Citrus Rural District) (1957)  
   W:    A-1 (Citrus Rural District) (1957)  
   S:    A-1 (Citrus Rural District) (1957)

*\*No zoning restrictions apply to the above*

**Adjacent Land Uses**        N:    Single-Family Dwelling  
   E:    Single-Family Dwelling  
   W:    Retention Pond  
   S:    Single-Family Dwelling

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

Min. Lot Area:            5,000 sq. ft.  
Min. Lot Width:         50 feet  
Max. Height:             35 feet  
Min. Floor Area:        1,000 sq. ft.

**Building Setbacks**

Front:                     20 feet  
Rear:                       20 feet  
Side:                        5 feet

**Intent, Purpose, and Uses:**

The areas included in an R-1 (Single-Family Dwelling District) are of the same general character as R-1A and R-1AA, but with smaller minimum lots and yards, and a corresponding increase in population density.

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**

**Subject Property Analysis**

The subject property is located 1951 Clarcona Road; or generally located on the east side of Clarcona Road, approximately 100 feet north of Old Apopka Road. The Future Land Use Map (FLUM) designates the subject property and surrounding neighborhoods as Low Density Residential (LDR), which allows for up to four (4) dwelling units per acre of single-family residential.

The subject property is currently zoned A-1 (Citrus Rural District) and is currently undeveloped. The property currently does not conform to the A-1 zoning requirements, as the property does not meet the A-1 minimum lot size of 1/2 acre. Additionally, while the property owner could proceed through the variance process to receive a reduction in minimum lot size, the triangular configuration of the property boundary does not make it conducive for development with the larger A-1 setbacks. Lastly, the A-1 zoning of the property is not consistent with the underlying Low Density Residential (LDR) Future Land Use Map designation. Given the developmental issues and Future Land Use inconsistency of the property, the applicant is requesting a rezoning of the subject property to R-1 (Single-Family District) and intends to develop the property with a single-family residence.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is located within the Apopka JPA boundary. Notice of the proposed rezoning was sent to the City for their review and they provided no objection to the proposed rezoning.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

Properties in proximity to this site include activities that could cause this property to be adversely impacted by odors. These properties include landfills, water treatment plants, and plant nurseries.

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030 Destination 2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

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.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

**Transportation / Access**

Based on the Concurrency Management System database, there are no failing roadway segments within a one-mile radius of this project. The proposed request to construct one single family unit will generate 1 PM peak hour trip and is considered de minimis. No further transportation analysis is required.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Utilities**

Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the rezoning request, but did not identify any issues or concerns.

**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 17, 2019)**

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

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

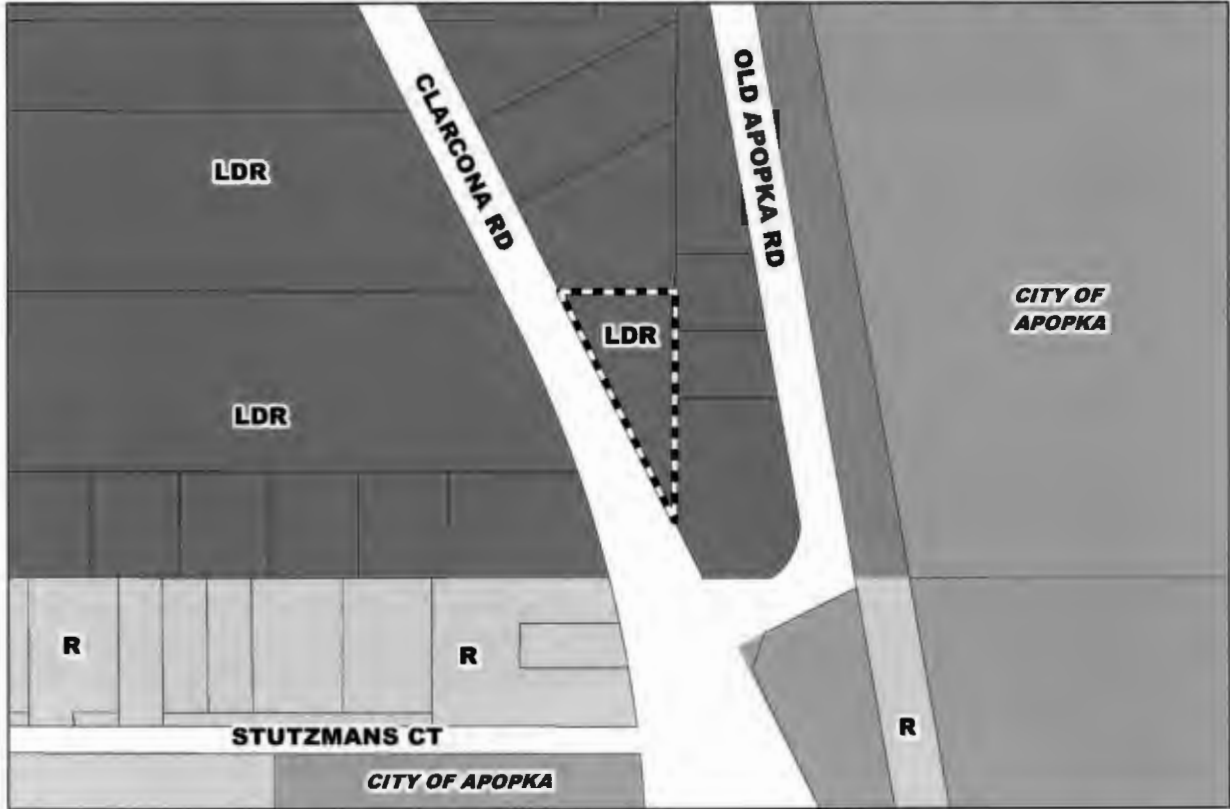
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1 (Single-Family Dwelling District) zoning.

Staff indicated that one hundred and eleven (111) notices were mailed to surrounding property owners within a buffer of 1,300 feet from the subject property, with zero (0) commentaries received in favor or in opposition to the request. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After limited discussion, a motion was made by Commissioner Velazquez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning. Commissioner Spears seconded the motion, which then carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Diane Velazquez / Gordon Spears</i>
<b>Voting in Favor</b>	<i>Diane Velazquez, Gordon Spears, Jimmy Dunn, Eddie Fernandez, Yog Melwani, Jose Cantero, and Mohammed Abdallah</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>

RZ-19-01-060



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Low Density Residential (LDR)

**APPLICANT:** Charles Parke

**LOCATION:** 1951 Clarcona Road; or generally located on the east side of Clarcona Road, approximately 100 feet north of Old Apopka Road

**TRACT SIZE:** 0.38-gross acre

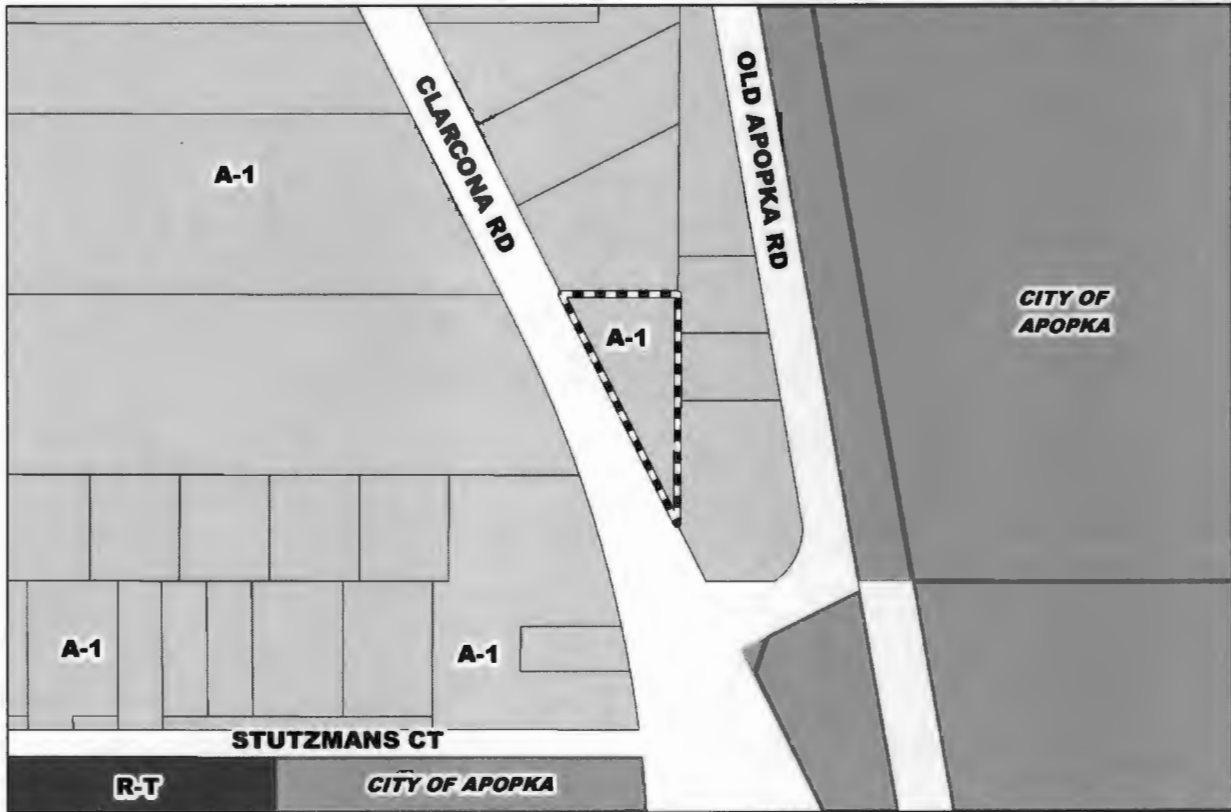
**DISTRICT:** # 2

**S/T/R:** 22/21/28

1 inch = 175 feet



RZ-19-01-060



 Subject Property



★ Subject Property

**Zoning Map**

**ZONING:** A-1 (Citrus Rural District) to  
 R-1 (Single-Family Dwelling District)

**APPLICANT:** Charles Parke

**LOCATION:** 1951 Clarcona Road; or generally located  
 on the east side of Clarcona Road,  
 approximately 100 feet north of Old  
 Apopka Road

**TRACT SIZE:** 0.38-gross acre

**DISTRICT:** # 2

**S/T/R:** 22/21/28

1 inch = 175 feet



RZ-19-01-060



Subject Property



Subject Property

### Expanded Zoning Map

**ZONING:** A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)

**APPLICANT:** Charles Parke

**LOCATION:** 1951 Clarcona Road; or generally located on the east side of Clarcona Road, approximately 100 feet north of Old Apopka Road

**TRACT SIZE:** 0.38-gross acre

**DISTRICT:** # 2

**S/T/R:** 22/21/28

1 inch = 417 feet





RZ-19-01-060



 Subject Property



1 inch = 100 feet



**CASE # RZ-19-01-062**

Commission District: # 5

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jorge Alfredo Cruz-Acevedo
<b>OWNER</b>	Jorge Alfredo Cruz-Acevedo
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-1 (Retail Commercial District) to C-2 (General Commercial District)</b>
<b>LOCATION</b>	11600 Sawyer Street; or generally at the southwest corner of the intersection of Sawyer Street and Murdock Boulevard, north of E. Colonial Drive.
<b>PARCEL ID NUMBER</b>	17-22-31-6296-13-010
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty six (86) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	0.48-gross acre
<b>PROPOSED USE</b>	Contractor's office with outdoor storage and overnight vehicle parking

**STAFF RECOMMENDATION**

**PLANNING:**

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.**

**ALTERNATIVE STAFF RECOMMENDATION:**

**Make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-2 (General Commercial District) zoning subject to the following restrictions:**

- 1) Billboards and pole signs shall be prohibited;
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and

- 3) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of a contractor's office with outdoor storage and overnight vehicle parking

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The C-2 (General Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and may adversely impact adjacent properties.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). While the C-2 (General Commercial District) zoning is consistent with the Commercial (C) FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

**FLU1.4.2** states that land use 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.

**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.

**OBJ N1.1** states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land
<b>Adjacent Zoning</b>	N: R-1 (Single-Family Dwelling District) (1957) E: C-1 (Retail Commercial District) (1983) W: C-2 (General Commercial District (1962) and R-3 (Multiple Family Dwelling District) (1962) S: C-1 (Retail Commercial District) (1985)
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Retail Shopping Center W: Retail Shopping Center S: Retail Shopping Center

**C-2 (GENERAL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS\***

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.

**Building Setbacks:**

<i>Front:</i>	25 ft.
<i>Rear:</i>	15 ft. (20 ft. when abutting residential)
<i>Side:</i>	5 ft. (25 ft. when abutting residential)

\* 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.

**Permitted Uses:**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 11600 Sawyer Street; or generally at the southwest corner of the intersection of Sawyer Street and Murdock Boulevard, north of E. Colonial Drive. The Future Land Use Map (FLUM) establishes a commercial corridor along E. Colonial Drive. The subject property is at the northernmost edge of that commercial corridor, with established single-family residential neighborhoods with single-family Zoning and FLUM designations to the north, northwest, and northeast. The commercial properties to the south, southwest, and southeast are developed with retail commercial and restaurant uses, which are oriented toward E. Colonial Drive.

The applicant operates a gutter business and recently purchased the undeveloped property in September 2018. Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for the operation of the contractor's office, along with outdoor storage of materials and overnight parking for work vehicles. Staff has determined that the existing C-1 (Retail Commercial District) zoning allows for an appropriate scale of non-residential uses, and that the requested C-2 (General Commercial District) zoning would be incompatible with adjacent single-family zoned properties.

The Orange County Comprehensive Plan calls for the location and design of commercial uses to be compatible with existing development trends in the area and to not disrupt existing neighborhoods. Further, Orange County Code section 38-851 notes that the C-2 (General Commercial District) should not be located adjacent to single-family residential zoning districts.

Several rezonings in the surrounding area have highlighted the issue of compatibility with the adjacent residential neighborhoods. The shopping center to the east of the subject property was rezoned in 1983 from R-2 (Residential District) and C-1 (Retail Commercial District) to C-1 (Retail Commercial District). In order to provide a buffer between the commercial use and the residential uses the north, the rezoning was approved with the restriction that a 75' building setback be provided along the north property line which was to include a 10' perimeter landscaped buffer and a 6' high masonry wall no closer than 10' from the north property line. The shopping center to the west of the subject property was rezoned in 1962 from C-1 (Retail Commercial District), R-1 (Single-Family Dwelling District), and R-2 (Residential District) to C-2 (General Commercial District) for the specific purpose of allowing for a shopping center which was subsequently developed. As part of that rezoning, the northern 100' of the property was rezoned to R-3 (Multiple Family Dwelling District) to provide a buffer between the commercial use and the residential uses the north. In 2013, a parcel to the



west of the shopping center was rezoned to C-2 (General Commercial District). County staff had recommended denial of the rezoning due to concerns of compatibility with the adjacent residential uses, however, the Planning and Zoning Commission recommended approval of the request subject to the restriction that outdoor storage and display was prohibited on the property.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

**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.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

The applicant is advised that if any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. The applicant is advised to contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. The applicant is advised to use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

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. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.



Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15-89.1 Air Pollution Prohibited, defined in the Florida Department of Environmental Protection 62-296.320(4)(c) adopted by Orange County Code 15-90 adoption of state and federal rules by reference.

**Transportation / Access**

Based on the Concurrency Management System database dated December 18, 2018, there are no failing roadway segments within the project impact area and capacity is available to be encumbered. This information is dated and subject to change. The applicant will be required to obtain an approved capacity encumbrance letter prior to obtaining a building permit. The applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit.

**Code Enforcement**

There are no active Code Enforcement violations on the subject property.

**Neighborhoods**

The site should be designed to ensure compatibility with the residential uses to the north.

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	An 8-inch watermain is located within the Murdock Boulevard right-of-way and an 8-inch watermain is located within the Sawyer Street right-of-way
Wastewater:	Orange County Utilities	A 4-inch forcemain is located within the Murdock Street right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

**Schools**

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation did not provide any objections to this request.

**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**

PZC Recommendation – (January 17, 2019)

**Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.**

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

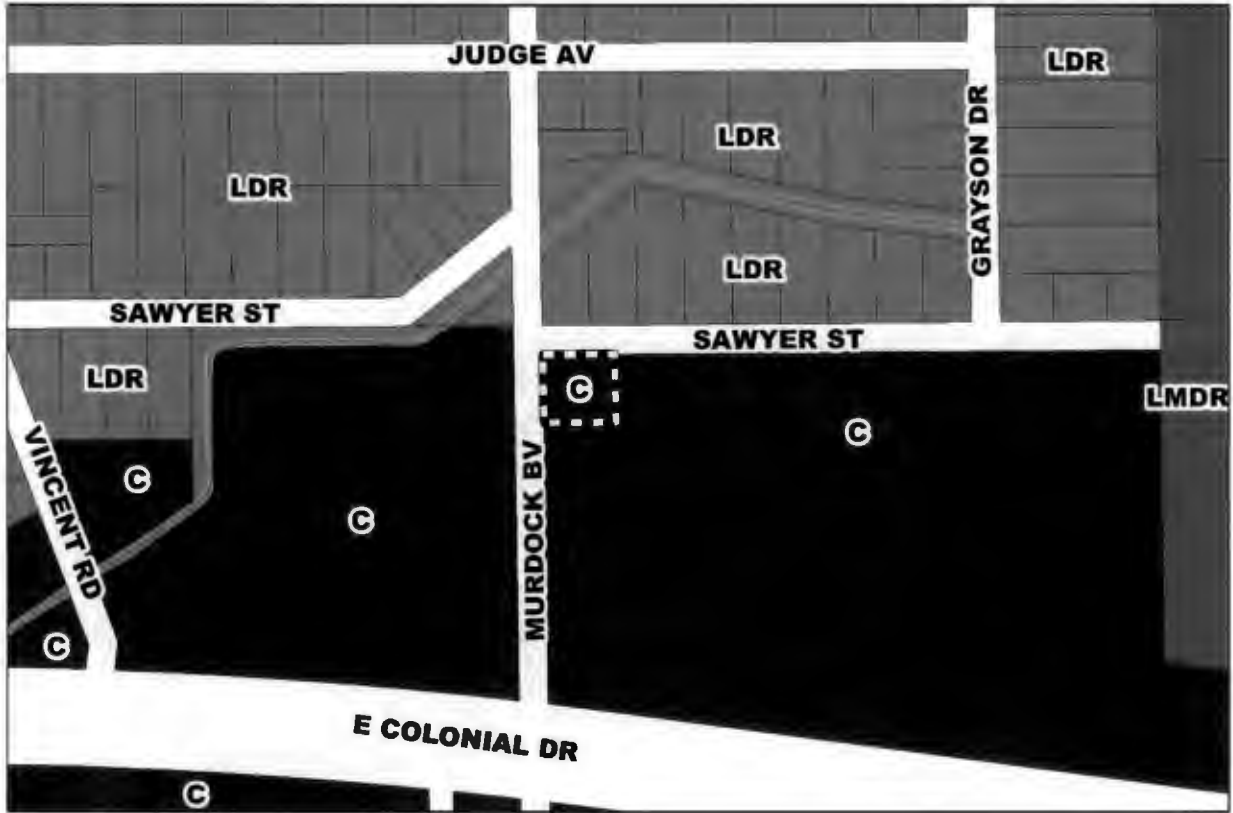
The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend denial of the requested C-2 (General Commercial District) zoning.

Staff indicated that the eighty six (86) notices were mailed to surrounding property owners within a 500 foot area surrounding the subject property, with eight (8) commentaries in opposition of the request citing concerns about compatibility with the adjacent residential neighborhood, and zero (0) in support. The applicant was present and disagreed with the staff recommendation. Several members of the public were present to speak in opposition to the request, citing concerns about compatibility with the adjacent residential neighborhood.

Following limited discussion, a motion was made by Commissioner Spears and seconded by Commissioner Cantero to recommend denial of the requested C-2 (General Commercial District) zoning. The motion was carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Gordon Spears / Jose Cantero</i>
<b>Voting in Favor</b>	<i>Gordon Spears, Jose Cantero, Yog Melwani, Jimmy Dunn, Diane Velazquez, Mohammed Abdallah, and Eddie Fernandez</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>

RZ-19-01-062



 Subject Property



★ Subject Property

### Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Jorge Alfredo Cruz-Acevedo

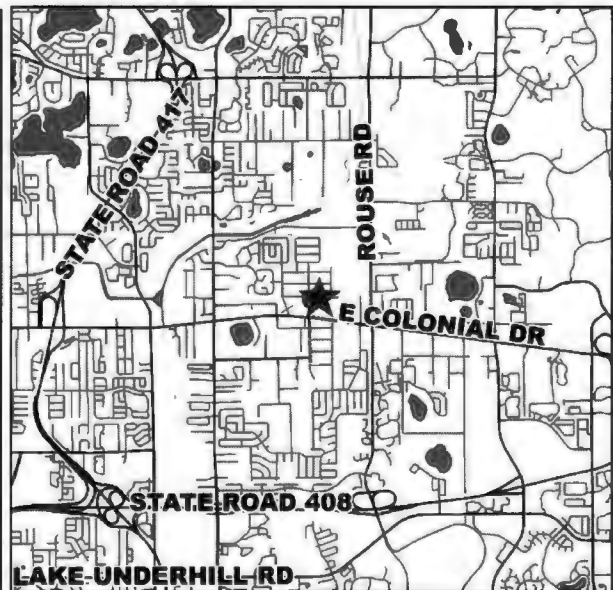
LOCATION: 1600 Sawyer Street; or generally at the southwest corner of the intersection of Sawyer Street and Murdock Boulevard, north of E. Colonial Drive.

TRACT SIZE: 0.48-gross acre

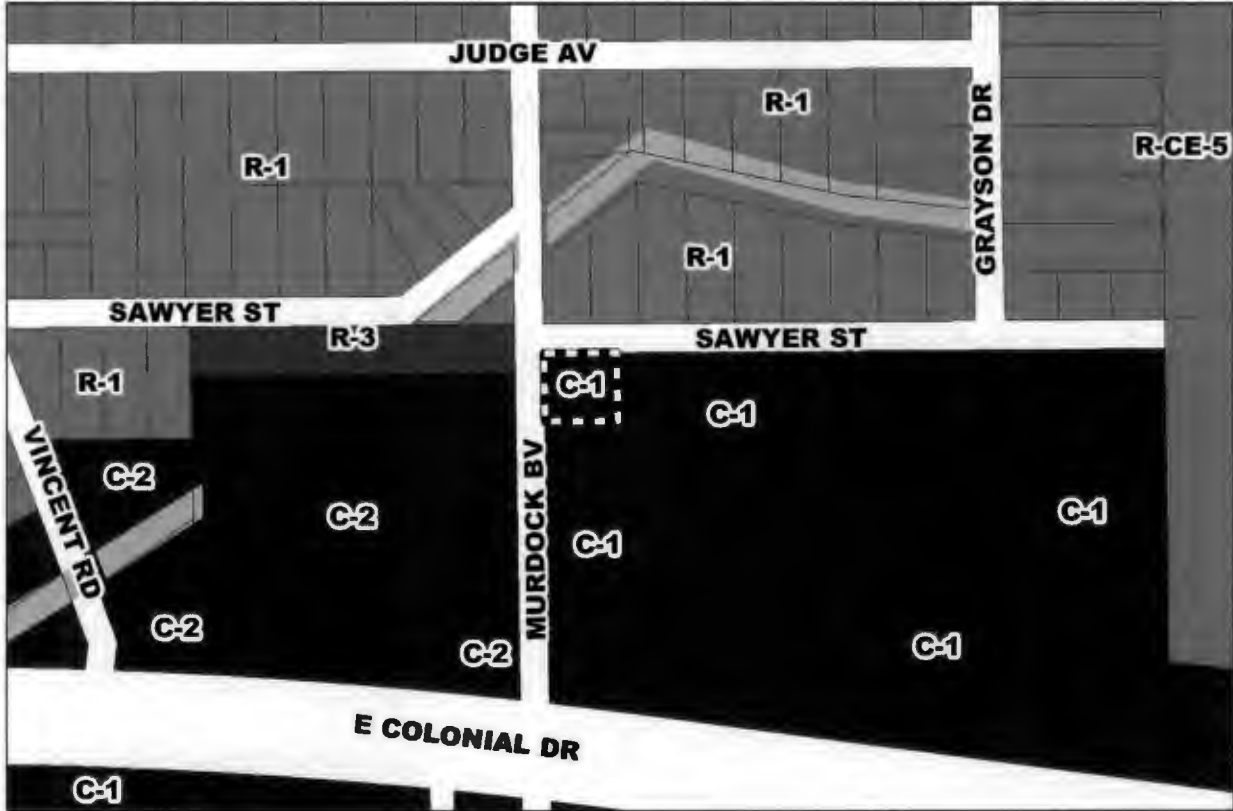
DISTRICT: # 4

S/T/R: 17/22/31

1 inch = 325 feet



RZ-19-01-062



 Subject Property



★ Subject Property

**Zoning Map**

**FLUM:** C-1 (Retail Commercial District) to C-2 (General Commercial District)

**APPLICANT:** Jorge Alfredo Cruz-Acevedo

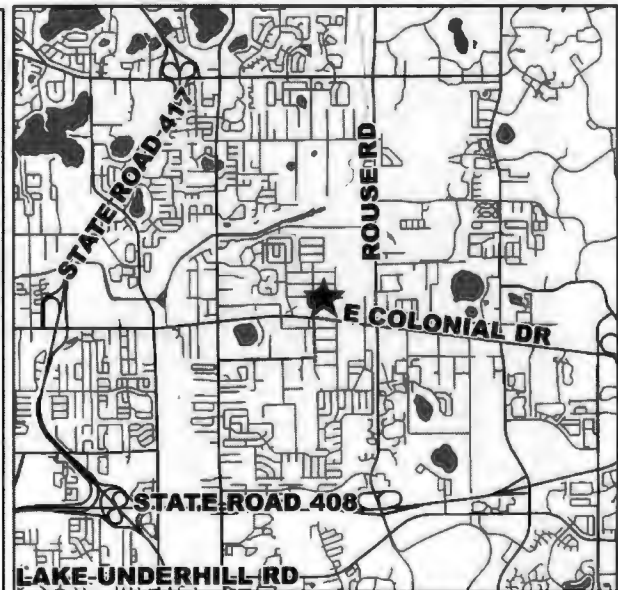
**LOCATION:** 1600 Sawyer Street; or generally at the southwest corner of the intersection of Sawyer Street and Murdock Boulevard, north of E. Colonial Drive.

**TRACT SIZE:** 0.48-gross acre

**DISTRICT:** # 4

**S/T/R:** 17/22/31

1 inch = 325 feet



RZ-19-01-062



 Subject Property

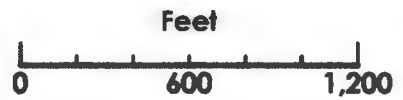
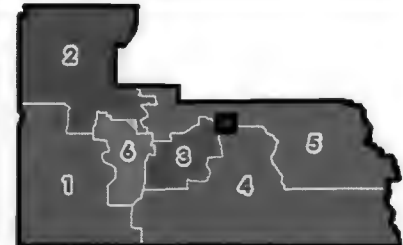
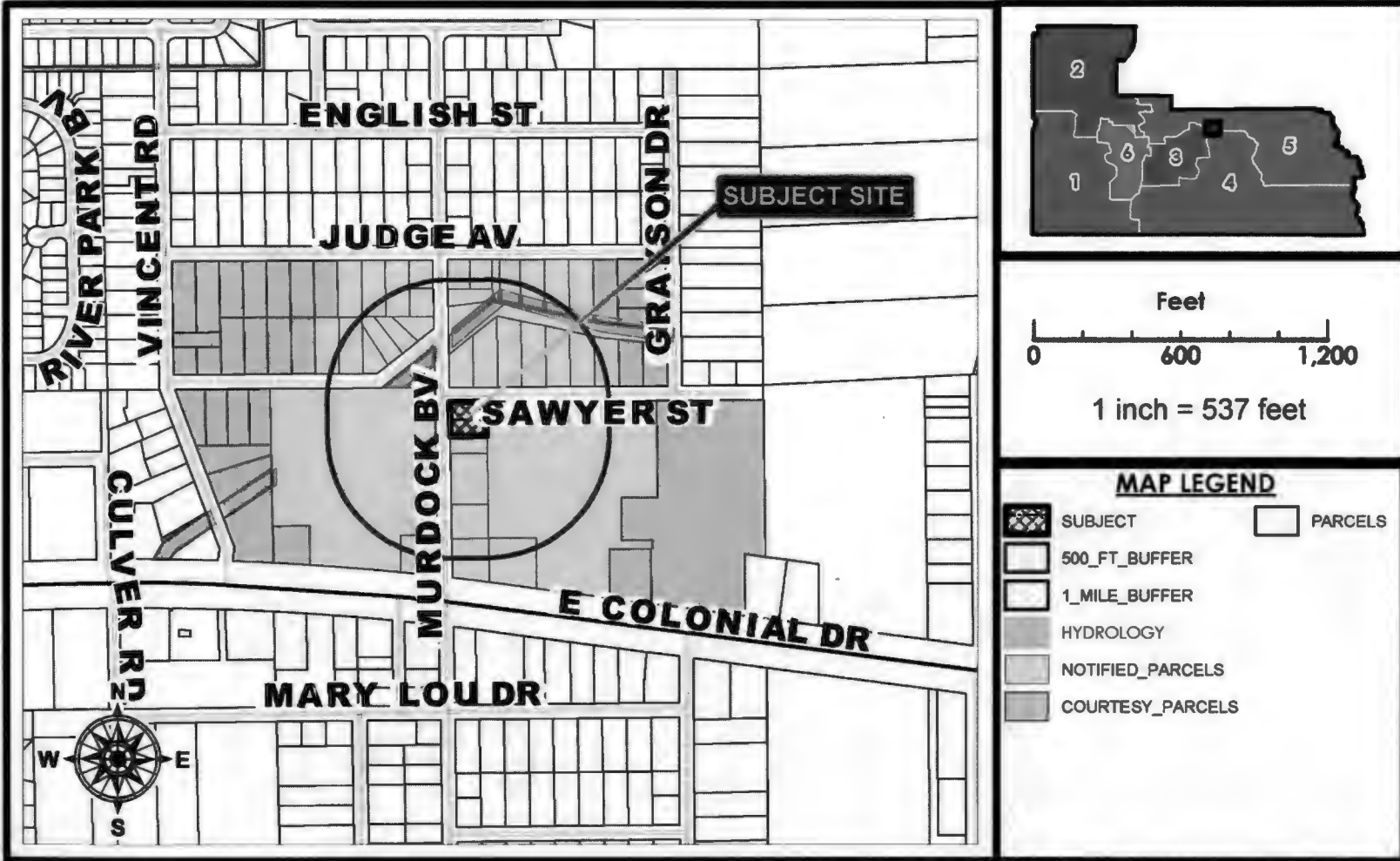


1 inch = 175 feet



# Public Notification Map

RZ-19-01-062\_11600 Sawyer Street  
500 FT BUFFER, 86 NOTICES



1 inch = 537 feet

Notification Map

3:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

Case # RZ-19-01-062  
Orange County Planning Division  
PZC Hearing Date: January 17, 2019

**CASE # RZ-19-01-065**

Commission District: #1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Charles Piper
<b>OWNERS</b>	Richard A. and Mary J. Nunis
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-CE (Country Estate District) to R-1A (Single-Family Dwelling District)</b>
<b>LOCATION</b>	9119, 9125, and 9133 Winter Garden Vineland Road; or generally on the east side of Winter Garden Vineland Road, west of Lake Sheen, and south of Penny Lane Drive.
<b>PARCEL ID NUMBER</b>	05-24-28-0000-00-051, 05-24-28-00000-00-008, 05-24-28-0000-00-009
<b>TRACT SIZE</b>	9.28 gross acres / 7.64 net developable acres
<b>PUBLIC NOTIFICATION</b>	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 seventy-four (174) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>PROPOSED USE</b>	Fifteen (15) Single-Family Dwelling Units

**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 to the following restrictions:**

- 1) The subject property shall be limited to a maximum of fifteen (15) lots with single-family detached residential dwelling units; and
- 2) All lots abutting Lake Sheen shall be a minimum one (1) acre upland of the normal high water elevation and any associated wetlands.



## **IMPACT ANALYSIS**

### **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.

### **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR) and Rural/Agricultural (R). The proposed R-1A (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

**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.

**FLU1.1.5** states that Orange County shall encourage infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

**FLU1.2.7** states that if the Urban Service Area boundary intersects any tax parcel of land, the total parcel shall be included in the Urban Service Area unless the parcel of land intersected is of such size or nature that inclusion within the Urban Service Area constitutes a substantial alteration of the Urban Service Area boundary. A substantial alteration is determined to exist if: 1) More than forty acres of the parcel is outside the Urban Service Area boundary; 2) The property is intersected by a natural or man-made boundary that also serves as the Urban Service Area boundary; or 3) The developable land that is located outside the Urban Service Area is separated from the Urban Service Area by a substantial area designated as a Conservation Area by the CP process.

**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**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: R-CE (Country Estate District) (1967) E: R-CE (Country Estate District) (1967) W: PD (Cypress Chase North Planned Development) (2003) S: R-CE (Country Estate District) (1967)
<b>Adjacent Land Uses</b>	N: Single-Family Residence E: Lake Sheen W: Single-Family Subdivision S: Single-Family Residence

### **R-1A (Single-Family Dwelling District)**

Min. Lot Area:	7,500 sq. ft. / 43,560 sq. ft. (lots abutting Lake Sheen)
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 R-1A (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities. 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**

### **Subject Property Analysis**

The subject property comprises three parcels totaling 9.28 gross acres and approximately 7.68 upland developable acres which are located on the western shore of Lake Sheen, east of Winter Garden Vineland Road, south of Penny Lane Drive, and approximately 0.75 miles north of the Grand Cypress Golf Course. The subject property and surrounding properties have split Future Land Use Map (FLUM) designations and are intersected by the Urban Service Area (USA) boundary. These properties are designated Low Density Residential (LDR) on the area inside the USA boundary, and Rural/Agricultural (R) on the area outside the USA, which is known as the Rural Service Area (RSA). Generally, the USA is the area within which the County concentrated urban development, services, and infrastructure. While the Comprehensive Plan restricts urban FLUM designations such as Low Density Residential (LDR) to the USA and rural designation of Rural/Agricultural (R) to the RSA, Future Land Use Element Policy FLU1.2.7 provides an exception for properties that straddle the USA boundary. Per FLU1.2.7, if the Urban Service Area boundary intersects any tax parcel of land, the total parcel shall be included in the Urban Service Area unless the parcel of land intersected is of such size or nature that inclusion within the Urban Service Area constitutes a substantial alteration of the Urban Service Area boundary.

Through this request, the applicant is seeking to rezone the subject property from R-CE (Country Estate District) to R-1A (Single-Family Dwelling District) to allow for the development of fifteen (15) single-family residences. Approximately 5 acres of the subject property is designated Low Density Residential (LDR), which would allow the development of up to twenty (20) single-family dwelling units. However, the subject property abuts the Butler Chain of Lakes, which requires lots abutting the lakes to be a minimum of one (1) acre per Future Land Use Element Policy FLU6.4.14. In addition, County staff has determined that the subject property is vested for seven (7) dwelling units, and Orange County Public Schools has in turn indicated that the overall development of up to sixteen (16) dwelling units on the property is considered "de minimis".

Several development approvals in the surrounding area including the Cypress Chase North Planned Development (PD) (2003), Le Royale PD (2005), and the Waterwoods PD (2000) provide precedence for urban development on properties straddling the USA boundary. The Le Royal and Waterwoods PDs to the south, and the Cypress Chase North PD to the west of the subject property were approved on properties that were intersected by the USA boundary and were subsequently subdivided into developments which included parcels that are intersected by or outside of the USA boundary. Similarly, the Lake Sheen Estates Preliminary Subdivision Plan was approved in 1990 and includes parcels that are intersected by the USA boundary.

Further, the proposed R-1A (Single-Family Dwelling District) zoning for the subject property would be consistent with several development approvals in the surrounding area. The R-1A district allows for minimum lot sizes of 7,500 square feet, and minimum lot widths of 75.

The Cypress Chase North PD allows minimum lot sizes of 6,000 square feet and minimum lot widths of 50', the Waterwoods PD allows minimum lot sizes of 6,000 square feet and minimum lot sizes of 50' by 120', and the Le Royale PD allows minimum lot sizes of 7,700 square feet, and minimum lot widths of 70'.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Density Residential (LDR) Future Land Use Map (FLUM) designation and Comprehensive Plan Policy FLU1.2.7.

**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.

**Community Meeting Summary**

A community meeting was not required for this request.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a Joint Planning Area.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

The subject property is not located within an Airport Noise Zone.

**Environmental**

The applicant will be required to complete an Orange County Conservation Area Determination (CAD) to determine the developable acreage. There is no record that a CAD or impact permit application has been received by the Orange County Environmental Protection Division (EPD). Protection of wetlands and wetland buffers with easements or tracts will be determined during the wetland permitting process.

The subject property shall comply with all requirements of Orange County Code Chapter 33 Special Districts, Article IV Windermere Water and Navigation Control District. The Windermere Water and Navigation Control District has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district, this project shall be required to be a participant.

Any clearing of vegetation, wetland enhancement, or altering of the shoreline in the upland buffer, wetland, or below the normal high water elevation (NHWE) shall require approval by the Orange County Environmental Protection Division. 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. Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies, including the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

The applicant is advised to use caution to prevent off-site erosion during construction along the boundary of the property into adjacent wetlands, buffers, surface waters, and open drainage facilities. Construction will require Best Management Practices (BMPs) for erosion control.

Lake Sheen is listed as an Outstanding Florida Water by the Florida Department of Environmental Protection. FDEP 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.

Consistent with Orange County Code Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Section 34-132 Subdivision Construction Plans, 34-132(c)(2), pollution abatement swales shall be provided upland of streams and canals and the Normal High Water Elevation (NHWE) on all lakes (inclusive of wetlands connected to lakes) or if protection wetland buffers are present then upland of the buffer.

#### **Transportation / Access**

A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit. The proposed request to develop fifteen (15) single family dwelling units will generate sixteen (16) p.m. peak hour trips. Based on the Concurrency Management System database dated December 20, 2018, there is one failing roadway within the project impact area. Winter Garden-Vineland Road is currently operating at level of service F from Sunset Boulevard to Silverlake Park Drive and there is no available capacity. This information is dated and subject to change.

#### **Code Enforcement**

There are no active Code Enforcement violations on the subject property.

#### **Utilities**

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 24-inch watermain is located within the Winter Garden Vineland right-of-way.

Wastewater:	Orange County Utilities	A 16-inch forcemain is located within the Winter Garden Vineland right-of-way
Reclaim Water:	Orange County Utilities	A 16-inch reclaimed water main is located within the Winter Garden Vineland right-of-way

**Schools**

Orange County Public Schools (OCPS) considers the impact to affected public schools to be “de minimis”; therefore a Capacity Enhancement Agreement (CEA) is not required.

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any objections or comments.

**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 17, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning, subject to the following restrictions:**

- 1) The subject property shall be limited to a maximum of fifteen (15) lots with single-family detached residential dwelling units; and
- 2) All lots abutting Lake Sheen shall be a minimum one (1) acre upland of the normal high water elevation and any associated wetlands.

**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 subject to two (2) restrictions. Staff explained that while the subject property is currently bisected by the Urban Service Area (USA) boundary, per the Comprehensive Plan, the subject property is considered to be wholly within the USA. Staff further noted that while there are no R-1A zoned properties in the surrounding area, several adjacent developments are zoned Planned Development and approved with development standards similar to the R-1A and R-1 zoning districts.

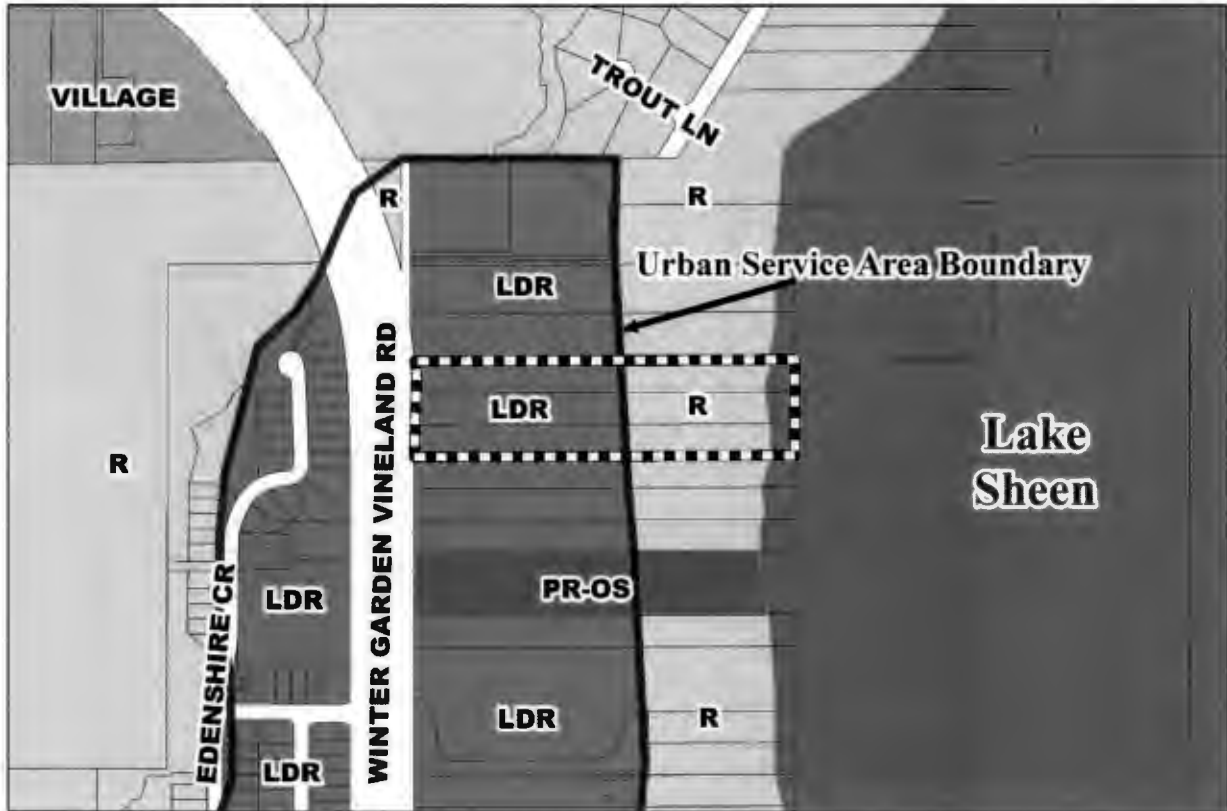
Staff indicated that the one hundred seventy-four (174) notices were mailed to surrounding property owners within a 500 foot area surrounding the subject property, and staff received zero (0) commentaries in opposition or support of the request. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak about this request.

Following limited discussion, a motion was made by Commissioner Dunn and seconded by Commissioner Cantero to recommend APPROVAL of the requested R-1A (Single-Family Dwelling District) zoning, subject to two (2) restrictions. The motion was carried on a 7-0 vote.

<b>Motion / Second</b>	<i>Jimmy Dunn / Jose Cantero</i>
<b>Voting in Favor</b>	<i>Jimmy Dunn, Jose Cantero, Yog Melwani, Mohammed Abdallah, Diane Velazquez, Eddie Fernandez, and Gordon Spears</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>JaJa Wade and Carlos Nazario</i>



RZ-19-01-065



 Subject Property



★ Subject Property

**Future Land Use Map**

**FLUM:** Low Density Residential (LDR) and Rural/Agricultural (R)

**APPLICANT:** Charles Piper

**LOCATION:** 9119, 9125, and 9133 Winter Garden Vineland Road; or generally on the east side of Winter Garden Vineland Road, west of Lake Sheen, and south of Penny Lane Drive.

**TRACT SIZE:** 9.28 gross acres / 7.64 net developable acres

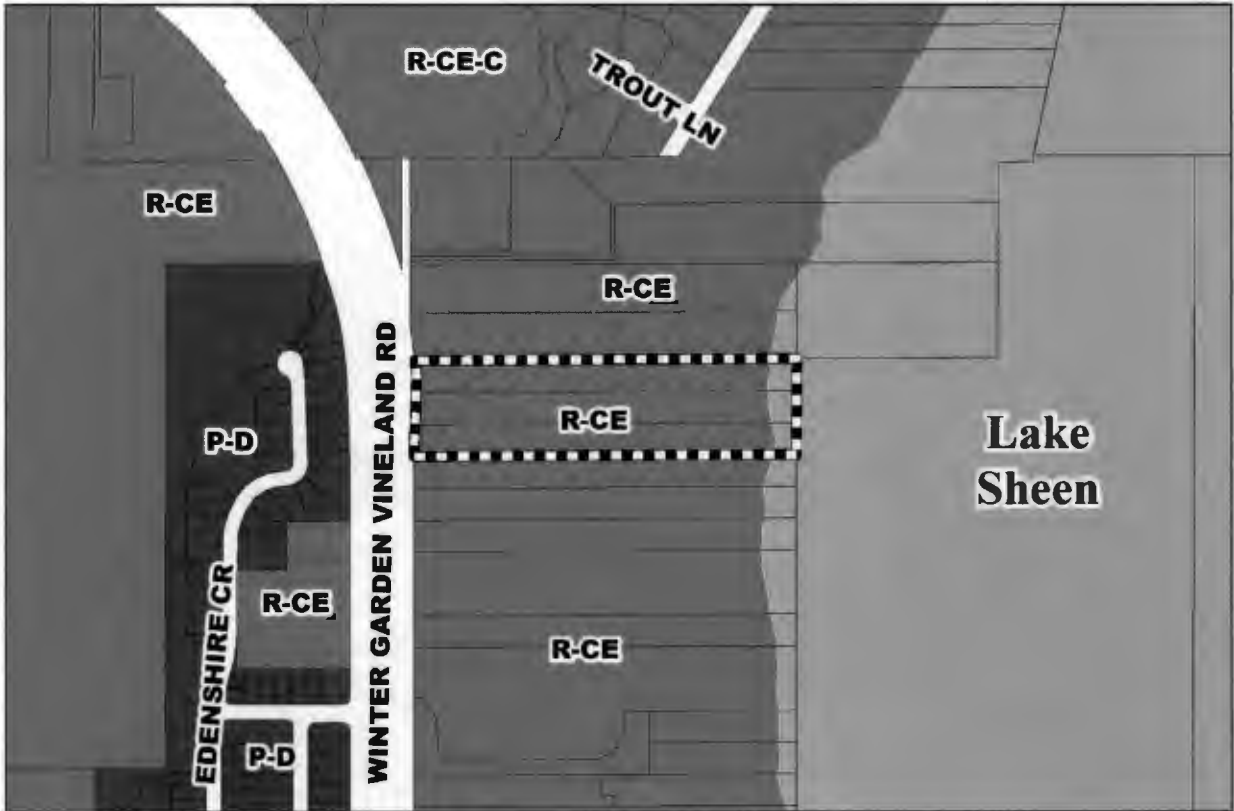
**DISTRICT:** # 1

**S/T/R:** 05/24/28

1 inch = 525 feet



RZ-19-01-065



Subject Property



Subject Property

**Zoning Map**

**Zoning:** R-CE (Country Estate District)  
 R-1A (Single-Family Dwelling District)

**APPLICANT:** Charles Piper

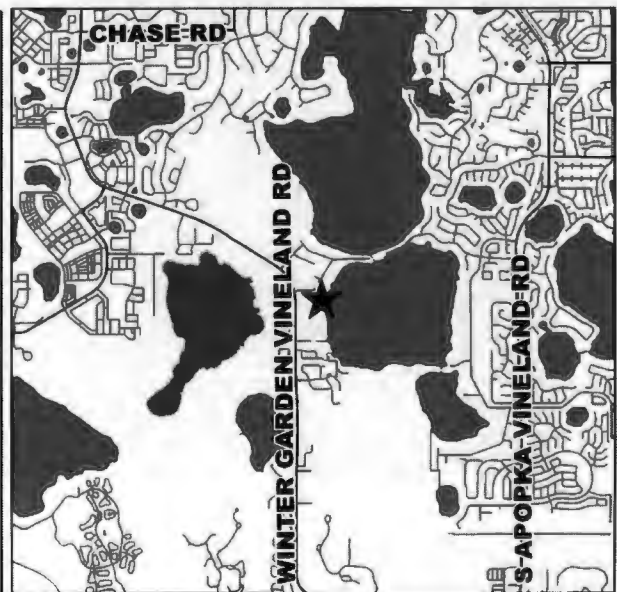
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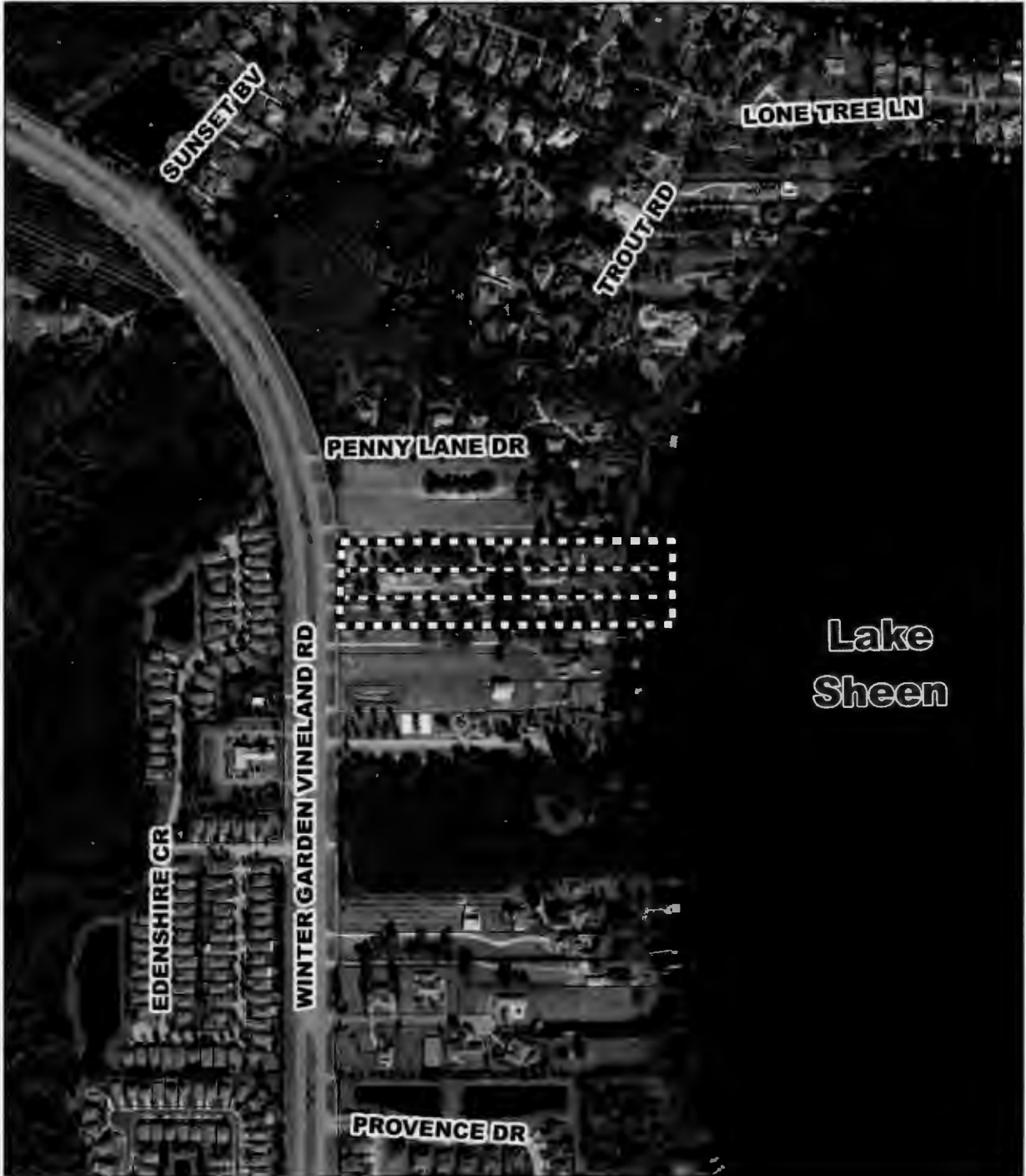
**DISTRICT:** # 1

**S/T/R:** 05/24/28

1 inch = 525 feet



RZ-19-01-065



 Subject Property



1 inch = 500 feet



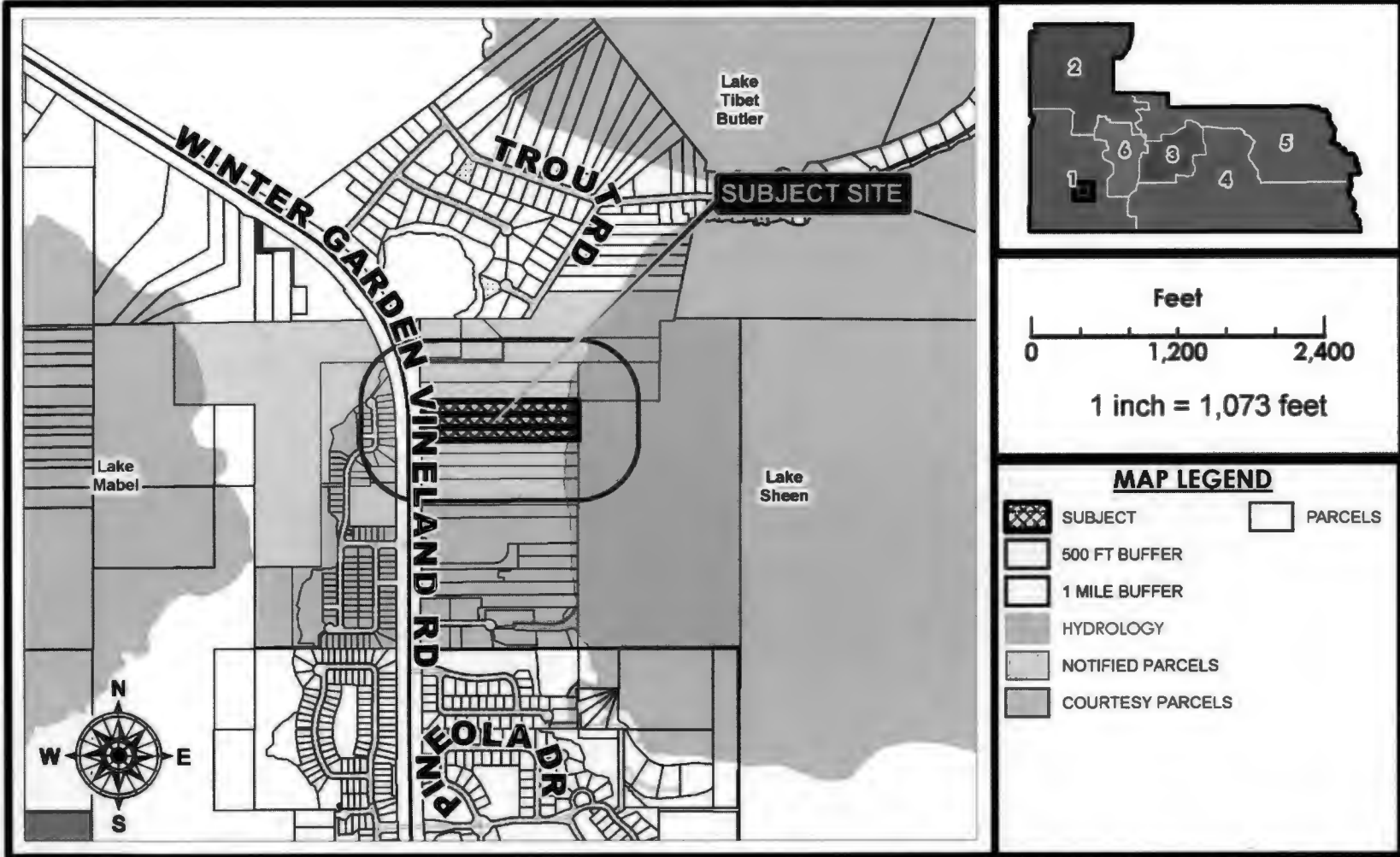
# Public Notification Map

RZ-19-01-065\_9119 Winter Garden Vineland Road  
500 FT BUFFER, 174 NOTICES

PZC Recommendation Book

92

January 17, 2019



Notification Map

Case # RZ-19-01-065  
Orange County Planning Division  
PZC Hearing Date: January 17, 2019

E:\Business Systems\Board Administration\ArcGIS\MAIN.mxd

*Case Planner:*  
Nicolas Thalmueller

**Rezoning Staff Report**  
**Orange County Planning Division**  
**PZC Hearing Date: January 17, 2019**

