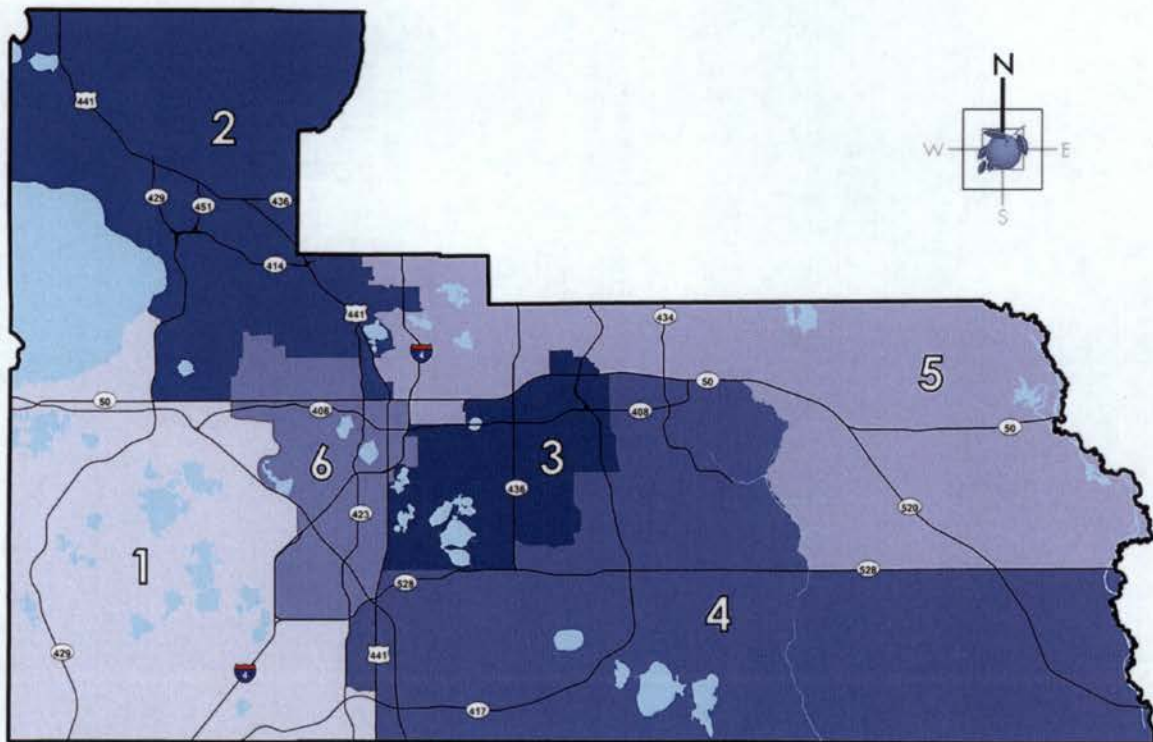




PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

OCTOBER 17, 2019



PREPARED BY:
ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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I. REZONING PUBLIC HEARINGS					
RZ-19-09-037 James Catan	<i>R-1AA to R-1AA</i>	1	Approval w/ seven (7) restrictions	Denial	No
RZ-19-10-038 Phil Kruse	<i>R-1A to R-2</i>	5	Approval	Approval	No
RZ-19-10-039 Ronald E. Smith	<i>R-T-2 to A-2</i>	4	Approval	Approval	No
RZ-19-10-040 Khaled Hussein	<i>R-1A to R-1</i>	3	Approval w/ three (3) restrictions	Approval w/ three (3) restrictions	No
RZ-19-10-042 Miguel Sosa	<i>R-T-1 to R-2</i>	4	Approval	Approval	No
RZ-19-10-044 Stephen Allen	<i>R-2 to R-2</i>	3	Approval	Postponed	No
RZ-19-10-045 Edward Durruthy	<i>R-1A to R-1</i>	3	Approval	Continue to November 21, 2019 PZC	No
RZ-19-10-046 Max Sabeti	<i>R-1A to R-2</i>	3	Approval w/ one (1) restriction	Approval w/ one (1) restriction	No
RZ-19-10-047 Michael D. Young	<i>C-2 to C-3</i>	6	Denial	Denial	No
II. PLANNED DEVELOPMENT PUBLIC HEARINGS					
LUP-18-01-037 Raymond C. Stangle II Rouse Road Villas Land Use	<i>R-1 to PD</i>	5	Denial	Approval	Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^e	Min. rear yard (ft.) ^e	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-2	SFR - 21,780 (½ acre) Mobile Home - 2 acres	850	100	35	50	10	35	a
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 h	30 h	7.5	35	a
R-1A	7,500	1,200	75	20 h	25 h	7.5	35	a
R-1	5,000	1,000	50	20 h	20 h	5 h	35	a
R-2	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5 h	35	a
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 d	20 h	30	5 h	35	a
	Three DUs, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	35	a
R-3	One-family dwelling, 4,500	1,000	45 c	20 h	20 h	5	35	a
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 d	20 h	20 h	5 h	35	a
	Three dwelling units, 11,250	500 per DU	85 j	20 h	30	10	35	a
	Four or more DUs, 15,000	500 per DU	85 j	20 h	30	10 b	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 c	1,000	45	25/20 k	25/20 k	5	35	a
	Mobile home 4,500 c	Min. mobile home size 8 ft. x 35 ft.	45	25/20 k	25/20 k	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.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ⁿ	Min. rear yard (ft.) ^o	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.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	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 ^f	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	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	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	^a

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

- ^a 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.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c 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.
- ^d 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.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h 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.
- ^j 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.
- ^k 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%.
- ^m 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

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 Planner:
Nicolas Thalmueller

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

CASE # RZ-19-09-037

Commission District: #1

GENERAL INFORMATION

APPLICANT	James Catan
OWNERS	Ivan Murray, Todd and Leanne Hockenberry, Preeti M. and Mukul Suchde, Harsh Wardhan Uchariya and Maria Del Rocio Garcia Martin, James G. and Cecilia M. Curley, James A. and Darlene A. Catan, Judith A. and Ivan Luengas, James E. and Gisele M. Gauger, Saints Studios, Ltd., Bradley J. and Laurie C. Busbin, Leonard M. Badger, Madelyne I. Woods, Donald M. Granatstein, Susan Unger, Paul and Stefani Schulze, Charles K. Swan, III, Theodore Ender, Giovanni J. and Stavroula V. Di Meo, Robert S. and Pamela M. Glinka, Kathy Leotta, Alan B. and Rosela J. Rich, Trent W. and Siau Ling, and M and M Residential Properties, LLC.
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1AA (Single-Family Dwelling District) to R-1AA (Single-Family Dwelling District)
LOCATION	Brentwood Club Phase 2 Lots 8-28; or generally located on the west side of Castleford Point and Camberley Circle, north of Darlene Drive, and east of Kilgore Road
PARCEL ID NUMBER	03-24-28-0909-00-080; 03-24-28-0909-00-090; 03-24-28-0909-00-100; 03-24-28-0909-00-110; 03-24-28-0909-00-120; 03-24-28-0909-00-130; 03-24-28-0909-00-140; 03-24-28-0909-00-150; 03-24-28-0909-00-160; 03-24-28-0909-00-170; 03-24-28-0909-00-180; 03-24-28-0909-00-190; 03-24-28-0909-00-200; 03-24-28-0909-00-210; 03-24-28-0909-00-220; 03-24-28-0909-00-230; 03-24-28-0909-00-240; 03-24-28-0909-00-250; 03-24-28-0909-00-260; 03-24-28-0909-00-270; and 03-24-28-0909-00-280
TRACT SIZE	10.82 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred thirty-three (333) notices were mailed to those property owners in the mailing area. A community meeting was required for this application and is summarized in the report below.

PROPOSED USE

To modify June 12, 1989 BCC Condition #6 to reduce the required natural vegetative buffer.

STAFF RECOMMENDATION

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

- 1) All lots abutting the western property boundary shall be a minimum of 1/2 acre;
- 2) All lots abutting the southern property boundary shall be a minimum 1/3 acre;
- 3) No access shall be permitted onto Darlene Drive;
- 4) Construction of a six (6)-foot high brick wall along the south boundary line abutting Darlene Drive;
- 5) Minimum living area shall be 2200 square feet for all lots within the subdivision;
- 6) Building setbacks for principal structures along the rear (westerly) boundary line shall be a minimum of fifty (50) feet, the westerly thirty-five (35) feet of which is to remain in its natural vegetative state; or alternatively, the individual property owners of Lots 8-28 of the Brentwood Club Phase 2 subdivision ("property owners") shall provide a minimum ten (10) foot opaque landscape buffer. This buffer may consist of natural vegetation, or planted with a hedge species capable of reaching a minimum height of twelve (12) feet at full-growth. If hedges are chosen, they must be planted in the middle of the ten (10) foot buffer at three (3) feet in height and a maximum separation distance of five (5) feet on-center. Property owners may elect to keep a portion or all of the natural vegetation so long as there is an opaque screening (with existing or additional plantings) to the adjoining western property at full-growth of the plant material. Any type of buffer that is provided must be kept clear of vines.
- ~~7) The owner of each lot located along the westerly boundary line shall be required to install a six (6) foot high shadowbox fence where no natural vegetation exists;~~
- 8) Sewer and water services are to be obtained from Orange County.

IMPACT ANALYSIS

Land Use Compatibility

The R-1AA (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area. The properties to the west of the subject parcels contain single-family residences. There are no buffer requirements in the Orange County Code for single-family detached homes adjacent to single-family detached homes. Although the proposal is a reduction in the restriction placed on the

properties by the Board of County Commissioners in 1989, the proposal is more than what the Orange County Code would require.

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-1AA (Single-Family Dwelling District) zoning is consistent with the Low Density Residential (LDR) FLUM designation, and 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.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-1AA (Single-Family Dwelling District) (1989)* E: R-1AA (Single-Family Dwelling District) (1989)* W: R-CE (Country Estate District) (1967)

S: R-1AA (Single-Family Dwelling District) (1989)*
**Multiple Zoning Restrictions apply, as summarized further in the report.*

Adjacent Land Uses

N:	Single-Family Residential
E:	Single-Family Residential
W:	Single-Family Residential
S:	Single-Family Residential

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

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 feet
Max. Height:	35 feet
Min. Floor Area:	1,200 feet

Building Setbacks

Front:	25 feet
Rear:	30 feet
Side:	7.5 feet

Intent, Purpose, and Uses

The R-1AA (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

On June 12, 1989, the Board of County Commissioners (BCC) approved a rezoning of a 156 acre area located on the west side of Apopka-Vineland Road, between Darlene Road and Kilgore Road, which included the subject property along the western boundary. This rezoning was approved subject to eight (8) restrictions, which were intended to provide for compatibility with the existing residential uses in the area.

Although the Orange County Code does not include standards that require buffers between residential developments, restrictions were added that required additional setbacks and vegetative buffers between the lots on the western boundary of the property and the adjacent residential properties. Restriction #6 was a requirement that building setbacks for principal structures along the western boundary line be a minimum of fifty (50) feet, the western thirty-five (35) feet of which was to remain in its natural vegetative state. In addition, Restriction #7 required the owner of each lot located along the western boundary line to install a six (6) foot high shadowbox fence where no natural vegetation exists.

On October 16, 1989, the BCC approved the Brentwood Club Preliminary subdivision plan which required that prior to platting the property, deed restrictions and covenants shall be filed that prohibit clearing and removal of vegetation including ground cover or placement of any structures on the western 35 feet of the project.

Today, all of the lots that comprise the subject property are developed with single-family residences which meet the required fifty (50) foot principal building setback. However, many of these lots do not provide the required thirty-five (35) foot natural vegetative buffer. The existing vegetated range between zero (0) and thirty-five (35) feet, at least one lot includes a pool deck that extends into the 35 foot buffer area, and several lots include structures that immediately abut the intended vegetated area. This rezoning request was submitted as a result of a complaint from adjacent property owners that the lots that comprise the subject property were not meeting the required buffer standards.

Through this rezoning request, the applicant has applied to modify Restriction #6 from the previous zoning approval. The applicants modified restriction language would allow for alternatives to the required vegetative buffer. Specifically, it would allow for individual property owners to provide a vegetative buffer a minimum of ten (10) feet in lieu of (35) feet. The applicants proposed language would also require any supplanted buffer to include a vegetative hedge capable of providing at full-growth, a minimum buffer height of twelve (12) feet; a depth of ten (10) feet; and extend the entire width of the property. At the property owners choosing, the ten (10) foot hedge buffer could be placed along the eastern side of any natural vegetative area the property owner wishes to keep. Additionally, Restriction #7 is proposed for deletion since the HOA does not allow property owners to erect fences and the modification to Restriction #6 would provide visual screening.

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 at Sand Lake Elementary School on September 30, which was attended by thirty (30) residents. The applicant stated that the required 35' natural vegetated buffer created a safety concern by providing habitat for dangerous wildlife. The applicant's proposal is that where the 35' buffer is not provided, then each property owner would be required to plant a 10' wide hedge capable to reaching 12' in

height to provide screening between the adjacent residential subdivisions. Residents at the meeting expressed concerns that removing the 35' natural vegetative buffer would negatively impact wildlife in the area. Other residents expressed concerns about maintenance of the proposed hedge row. Residents noted that the County had failed to cite the property owners for removing the 35' vegetated buffer.

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

Orange County Environmental Protection Division reviewed this request, but did not identify any outstanding issues or concerns.

Transportation / Access

Orange County Transportation Planning reviewed this request, but did not identify any outstanding issues or concerns.

Code Enforcement

There are no active Code Enforcement violations, cases, or liens for the subject property.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	An 8-inch gravity main is located within Camberley right-of-way
Reclaim Water:	Orange County Utilities	Not available

Schools

Orange County Public Schools has reviewed this request, but did not provide any comments or concerns.

Parks and Recreation

Orange County Parks and Recreation reviewed this request, but did not identify any outstanding 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 – (October 17, 2019)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-1AA (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-1AA (Single-Family Dwelling District) Zoning with the revised language for restriction #6 and the removal of restriction #7. The applicant was present and agreed with the staff recommendation. Staff indicated that three hundred thirty-three (333) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received two (2) responses in favor, and twenty-four (24) responses in opposition of the request. Those in opposition stated concerns of privacy and compatibility, impacts to wildlife, and concerns that the restrictions were agreed to and then violated. Several members of the public were present and spoke in opposition of the request, arguing that the original restrictions should be preserved.

Discussion ensued as to whether the intent of the original restriction was to provide for increased compatibility among different lot sizes, or whether it was just intended to provide for visual screening. The Commission expressed concern that the agreed upon zoning restrictions had been violated and to approve changes after the fact would create a bad precedent for the County, and would set the stage for future violations of the zoning restrictions. Further discussion regarded the fact that the original language required natural vegetation, while the proposed new language does not.

A motion was made by Commissioner Dunn, and seconded by Commissioner Wade to recommend denial of the requested zoning and revised restrictions. The motion carried on a 7-2 vote.

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

RZ-19-09-037



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: James Catan

LOCATION: Brentwood Club Phase 2 Lots 8-28;
 generally located on the west side of
 Castleford Point and Camberley Circle,
 north of Darlene Drive, and east of
 Kilgore Road

TRACT SIZE: 10.82 gross acres

DISTRICT: # 4

S/T/R: 03/24/28

1 inch = 525 feet



RZ-19-09-037



Subject Property



Subject Property

Zoning Map

ZONING: R-1AA (Single-Family Dwelling District) to R-1AA (Single-Family Dwelling District)

APPLICANT: James Catan

LOCATION: Brentwood Club Phase 2 Lots 8-28; generally located on the west side of Castleford Point and Camberley Circle, north of Darlene Drive, and east of Kilgore Road

TRACT SIZE: 10.82 gross acres

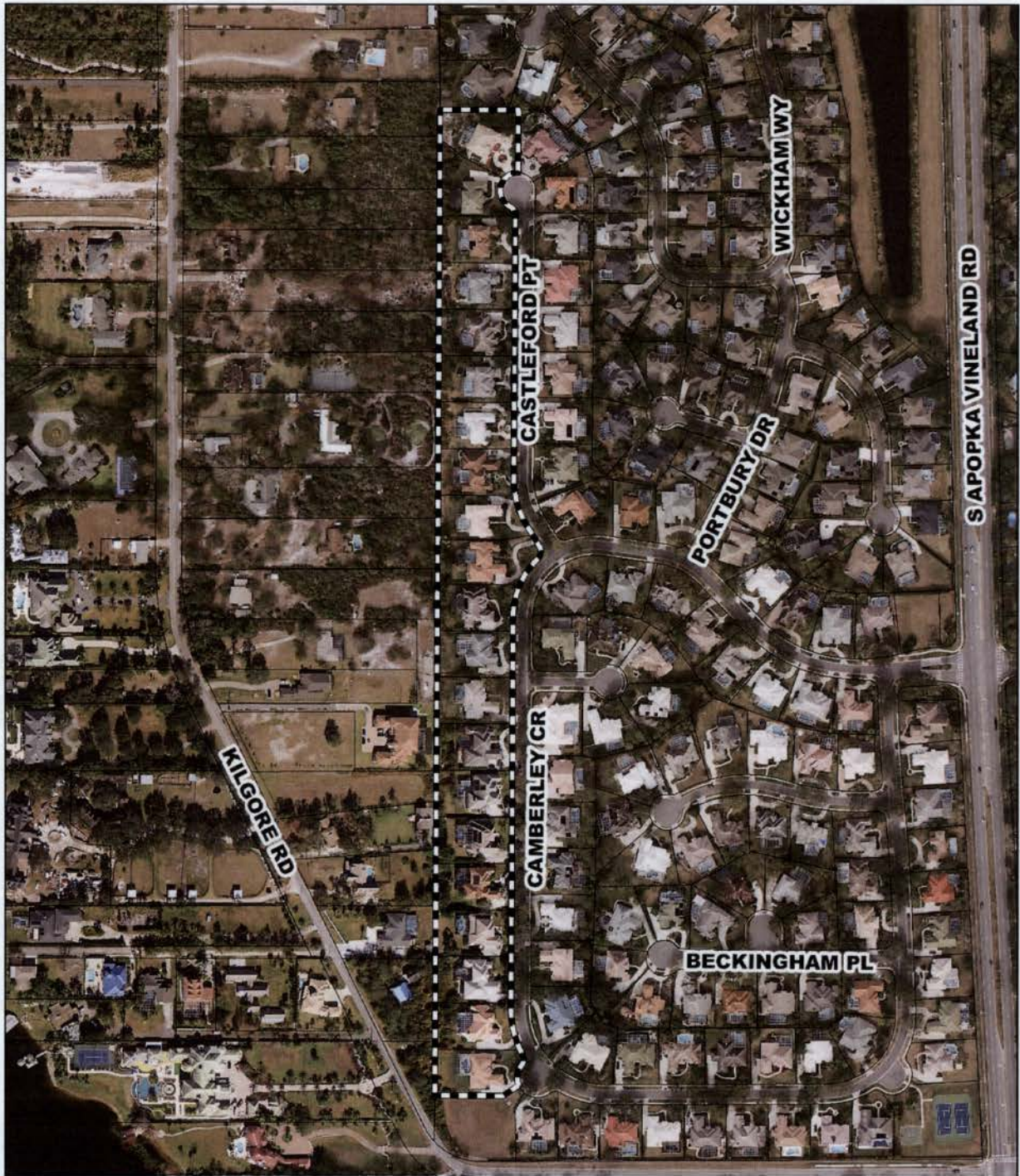
DISTRICT: # 4

S/T/R: 03/24/28

1 inch = 525 feet



RZ-19-09-037



 Subject Property

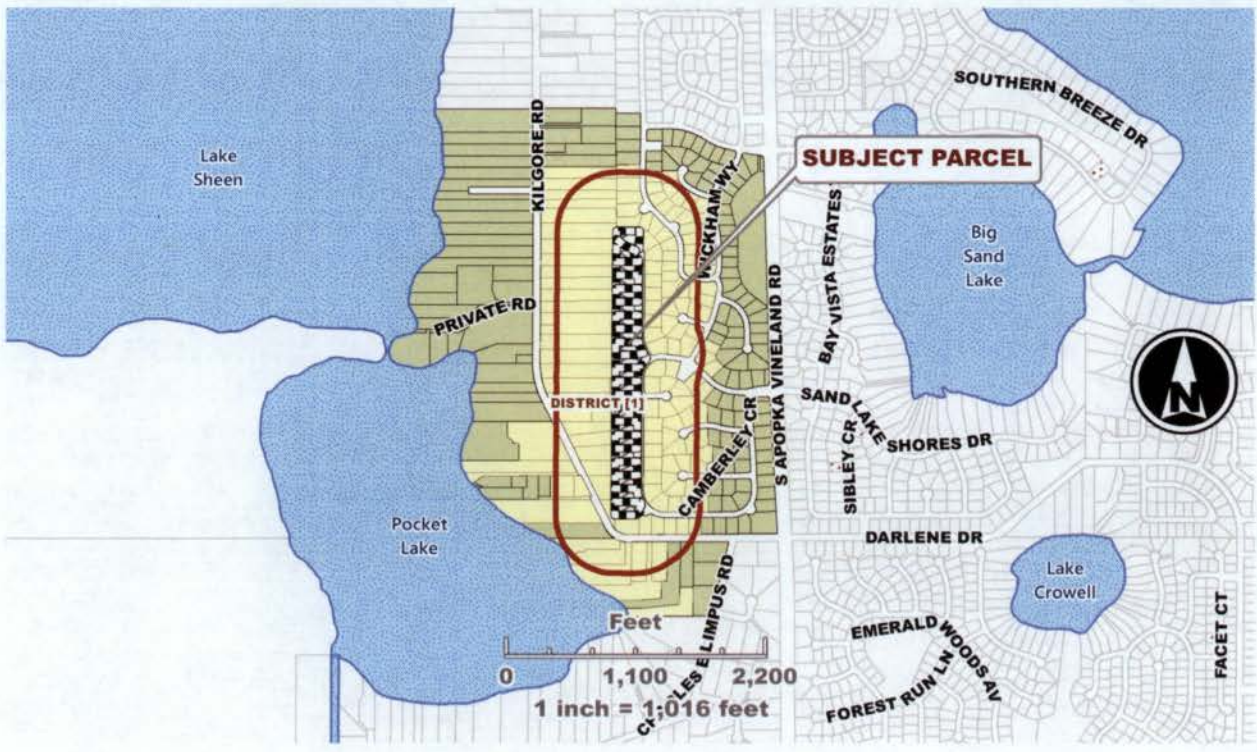


1 inch = 325 feet

Notification Map

Public Notification Map

RZ-19-09-037



- MAP LEGEND**
- SUBJECT
 - 500 FT BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY NOTICES
 - PARCELS

500 : FT BUFFER
 333 : NOTICES
 152 : RESIDENTIAL COUNT



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Case Planner:
Nicolas Thalmueller

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

CASE # RZ-19-10-038

Commission District: #5

GENERAL INFORMATION

APPLICANT	Phil Kruse
OWNER	Herman Ave LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	Generally located on the west side of Herman Avenue north of Beach Boulevard, west of Jamajo Boulevard, and south of Roush Avenue.
PARCEL ID NUMBER	21-22-30-3932-05-070
TRACT SIZE	0.16-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-six (86) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single Family Residence

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning is consistent with the LMDR FLUM designation 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.

OBJ H1.1 states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

SITE DATA

Existing Use Undeveloped Residential

Adjacent Zoning N: R-1A (Single-Family Dwelling District) (1957)
 E: R-1A (Single-Family Dwelling District) (1957)
 W: R-1A (Single-Family Dwelling District) (1957)
 S: R-2 (Residential District) (2009)
 **Residential development shall be limited to three (3)
 single-family lots.*

Adjacent Land Uses N: Single-Family Detached Dwelling
 E: Single-Family Detached Dwelling
 W: Single-Family Detached Dwelling
 S: Undeveloped Land

R-2 (Residential District) Development Standards

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

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.
Side Street: 15 ft.

Permitted Uses

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

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

SPECIAL INFORMATION

Subject Property Analysis

Generally located on the west side of Herman Avenue north of Beach Boulevard, west of Jamajo Boulevard, and south of Roush Avenue. The property is currently undeveloped.

The subject parcel was originally platted as one 50' x 135' lot within the Jamajo Subdivision. The plat for the Jamajo Subdivision was recorded on September 16, 1924. Today, the subdivision can be characterized as being developed with single-family detached dwellings on a variety of parcel sizes. Though the subdivided area is zoned R-1A, there are a majority of 50' wide lots that exist and are developed, despite the lot width being non-conforming to the R-1A zoning standards (75' wide minimum lot width).

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-2 (Residential District), with the intent to construct one single family home.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) 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 application.

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

New residential development in Airport Noise Zone "E" requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions.

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.

Transportation / Access

The subject parcel is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within half a mile project area: County maintained sidewalks exist along East Colonial Drive from Jamajo Boulevard to Old Cheney highway. Based on LYNX's current bus schedule, transit service links #28 East Colonial Drive and Azalea Park; #29 East Colonial Drive and Goldenrod; #104 East Colonial Drive and UCF. Currently, there are nine (9) bus stops, seven (7) covered, exist in the area.

There is an existing State maintained bike path along East Colonial Drive from Old Cheney highway to North Semoran Boulevard.

Code Enforcement

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

Utilities

Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

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 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 – October 17, 2019

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning. Staff indicated that eighty-six (86) notices were sent to property owners within 500 feet of the subject property, with zero (0) responses in support of the rezoning and one (1) in opposition. The applicant was

present and agreed with the staff recommendation. No members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Spears, and seconded by Commissioner Cantero to recommend approval the requested R-2 (Residential District) zoning. The motion carried on an 8-0 vote.

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

RZ-19-10-038



 Subject Property   Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Phil Kruse

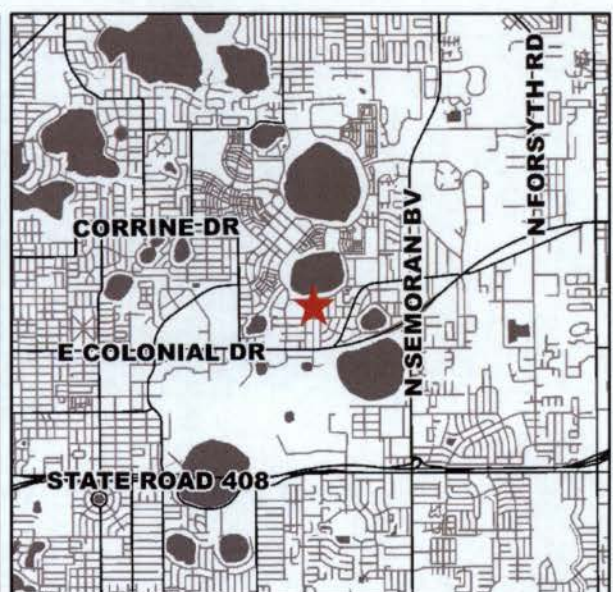
LOCATION: Generally located on on the west side of Herman Avenue, the north side of Beach Boulevard, west of Jamaajo Boulevard, and south of Roush avenue

TRACT SIZE: 0.16-gross acre

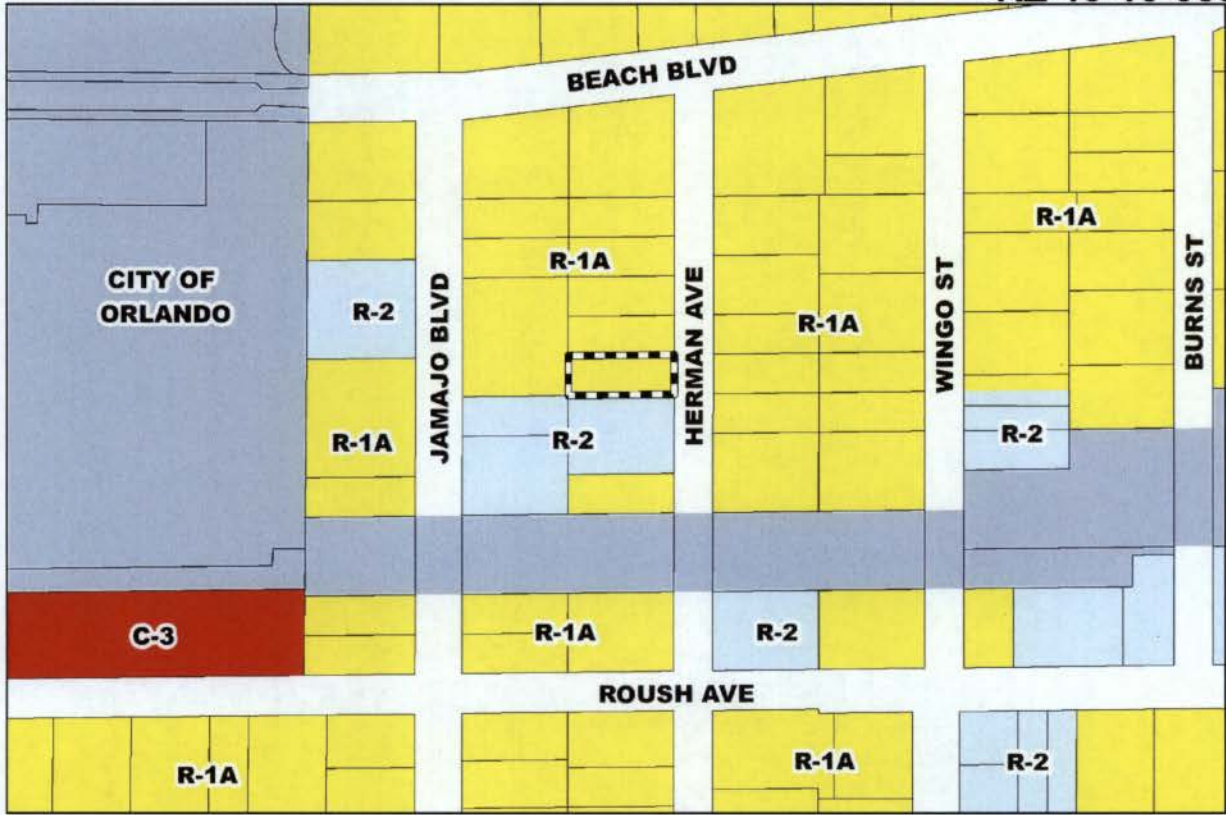
DISTRICT: # 5

S/T/R: 30/22/21

1 inch = 200 feet




RZ-19-10-038



 Subject Property



 Subject Property

ZoningMap

ZONING: R-1A (Single-Family Dwelling District) to R-2 (Residential District)

APPLICANT: Phil Kruse

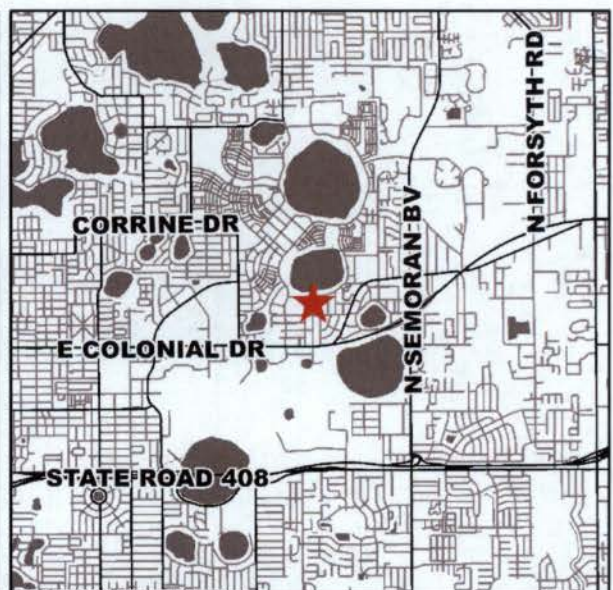
LOCATION: Generally located on the west side of Herman Avenue, north of Beach Boulevard, west of Jamajo Boulevard, and South of Roush avenue

TRACT SIZE: 0.16-gross acre

DISTRICT: # 5

S/T/R: 30/22/21

1 inch = 200 feet



RZ-19-09-038



 Subject Property



1 inch = 125 feet

Alternative Mobility Area Context Map

Case # RZ-19-10-038
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

RZ-19-10-038
21-22-30-3932-05-070
 To rezone from R-1A
 (Single-Family Dwelling
 District) to R-2 (Residential
 District) to construct one
 (1) single-family home.

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_Buffer257
- Horizon West Boundary
- County Boundary
- Parcels

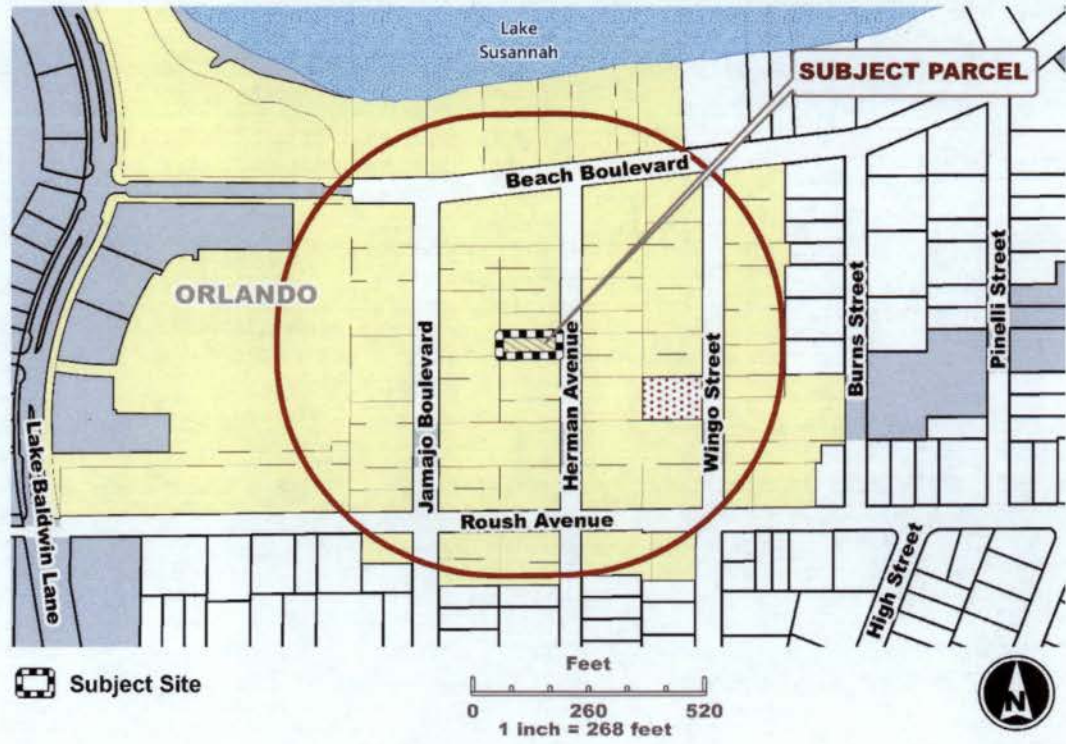


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Notification Map

Public Notification Map

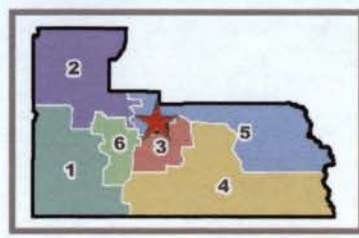
RZ-19-10-038



MAP LEGEND

	SUBJECT
	500_FT_BUFFER
	1_MILE_BUFFER
	HYDROLOGY
	NOTIFIED_PARCELS
	PARCELS

500 : FT BUFFER
86 : NOTICES
47 : RESIDENTIAL COUNT



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CASE # RZ-19-10-039

Commission District: #4

GENERAL INFORMATION

APPLICANT	Ronald E. Smith
OWNERS	Ronald E. Smith, Cheryl R. Smith, Tracy L. Matsko, and Terry D. Matsko
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to A-2 (Farmland Rural District)
LOCATION	404 and 428 Baron Road; generally located west of Baron Road, east of Guy Road, and south of Bearle Road
PARCEL ID NUMBER	32-22-32-7886-00-710 and 32-22-32-7886-00-720
TRACT SIZE	4.96 gross acres
PUBLIC NOTIFICATION	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 sixty-eight (168) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Keeping and raising of poultry, in addition to the two manufactured homes on the subject property

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-2 (Farmland Rural District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The A-2 (Farmland Rural 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 Rural Settlement 1/2 (RS 1/2). The proposed A-2 (Farmland Rural District) zoning is consistent with the Rural Settlement 1/2 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.

OBJ FLU6.2 states that Rural Settlements provide for a rural residential lifestyle. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

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

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

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

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

SITE DATA

Existing Use	Two (2) Manufactured Homes
Adjacent Zoning	N: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1979) E: A-2 (Farmland Rural District) (1957) W: A-2 (Farmland Rural District) (1957) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Manufactured Home E: Manufactured Home W: Single-Family Residence, Undeveloped Land S: Manufactured Home

A-2 (Farmland Rural District) Development Standards

Min. Lot Area (Single-Family):	21,780 sq. ft. (1/2 acre)
Min. Lot Area (Mobile Home):	2 acres
Min. Lot Width:	100 ft.
Max. Height:	35 ft.

Building Setbacks

Front:	35 ft.
Rear:	50 ft.
Side:	10 ft.

Intent, Purpose, and Uses

The agricultural districts are intended to apply to those areas, the present or prospective use of which is primarily agricultural, or the future development of which is uncertain, and for which a more restricted zoning would be premature. The regulations in these districts are intended to permit a reasonable use of the property, while at the same time, prevent the creation of conditions which would blight or prevent the proper future use of contiguous or nearby property. The A-2 district is composed largely of land used for livestock and poultry production.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 404 and 428 Baron Road; generally located west of Baron Road, east of Guy Road, and south of Bearle Road. The subject property was platted as Lots 71 and 72 of the Seaward Plantation Estates 4th Addition Plat in 1955 and is located within the Sunflower Trail Rural Settlement. There is currently one (1) manufactured located on each of the two (2) parcels that comprise the subject property. The surrounding neighborhood is characterized by a mixture of manufactured homes and single-family residences. The subject property and the adjacent parcel to the north were rezoned from A-2 (Farmland Rural District) in 1979. The majority of the area retains its original A-2 Zoning designation, with several scattered parcels having been rezoned to R-T-2 (Combination Mobile Home and Single-Family Dwelling District).

Through this request the applicant is seeking to rezone the subject property back to its original A-2 Zoning in order to allow for the raising and keeping of poultry accessory to the two (2) manufactured homes which would remain on the property. The applicant intends to keep the poultry on the property for personal use, and not as a commercial operation.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural Settlement 1/2 (RS 1/2) 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 located within the Sunflower Trail 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

Wetlands and surface waters may be located within the subject properties. Prior to new construction, clearing, filling, alteration or grading in the undeveloped areas, the Environmental Protection Division (EPD) may require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective setbacks.

Transportation / Access

Orange County Transportation Planning reviewed this request, but did not provide any objections or comments.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	Not Currently Available
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 – (October 17, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-2 (Farmland Rural 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 A-2 (Farmland Rural District) zoning. Staff indicated that one hundred sixty-eight (168) notices were sent to property owners within 1,300 feet of the subject property,

with zero (0) responses in support of the rezoning and zero (0) in opposition. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

After limited discussion regarding the number and type of animals that would be permitted, a motion was made by Commissioner Nazario, and seconded by Commissioner Dunn to recommend approval of the requested A-2 (Farmland Rural District) zoning. The motion carried on a 9-0 vote.


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

RZ-19-10-039



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Rural Settlement 1/2 (RS 1/2)
 APPLICANT: Ronald Smith
 LOCATION: 404 and 428 Baron Road; generally located west of Baron Road, east of Guy Road, and south of Bearle Road
 TRACT SIZE: 4.96 gross acres
 DISTRICT: # 4
 S/T/R: 32/22/32

1 inch = 450 feet



RZ-19-10-039



Subject Property



Subject Property

Zoning Map

ZONING: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to A-2 (Farmland Rural District)

APPLICANT: Ronald Smith

LOCATION: 404 and 428 Baron Road; generally located west of Baron Road, east of Guy Road, and south of Bearle Road

TRACT SIZE: 4.96 gross acres

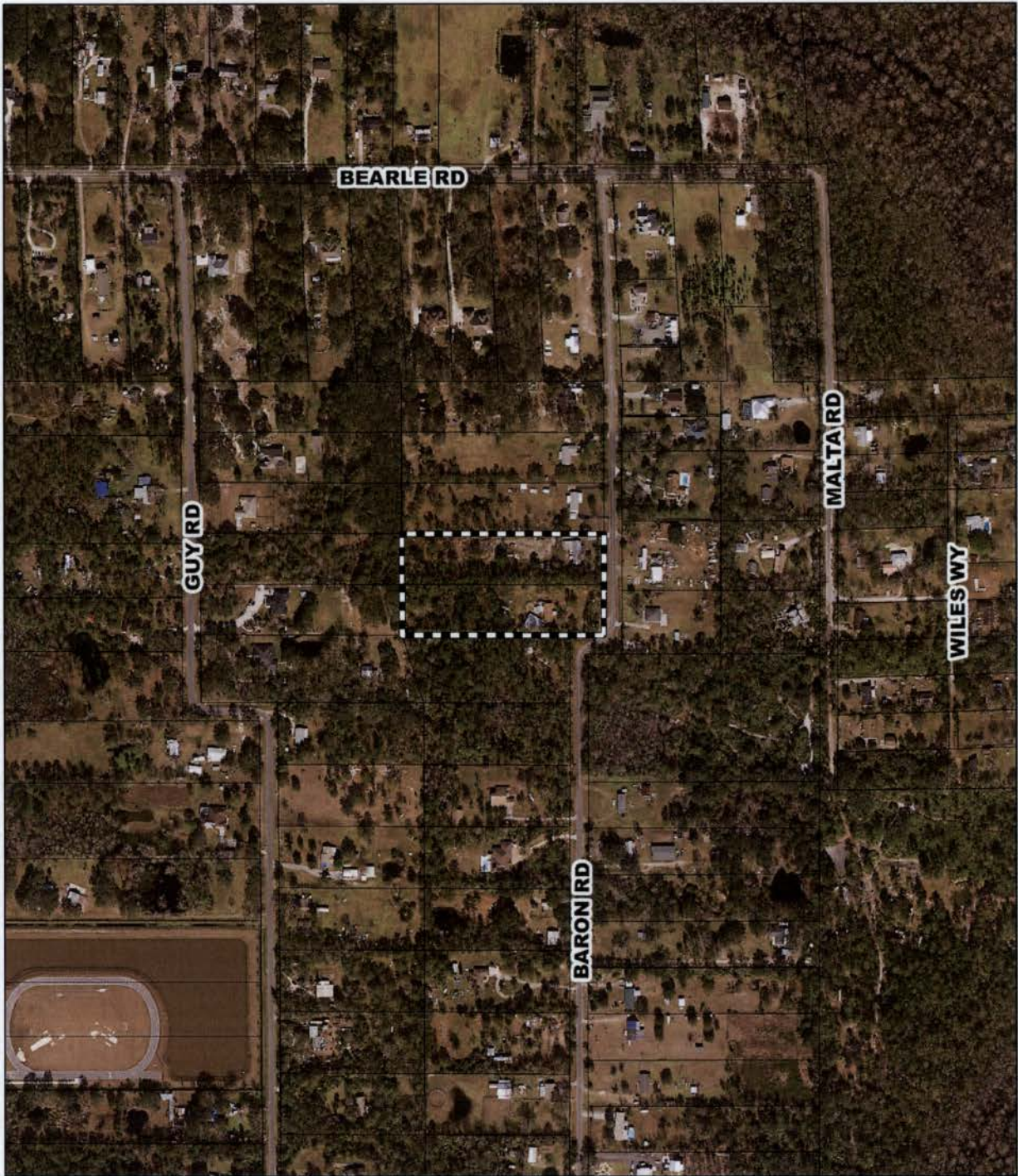
DISTRICT: # 4

S/T/R: 32/22/32

1 inch = 450 feet



RZ-19-10-039



 Subject Property

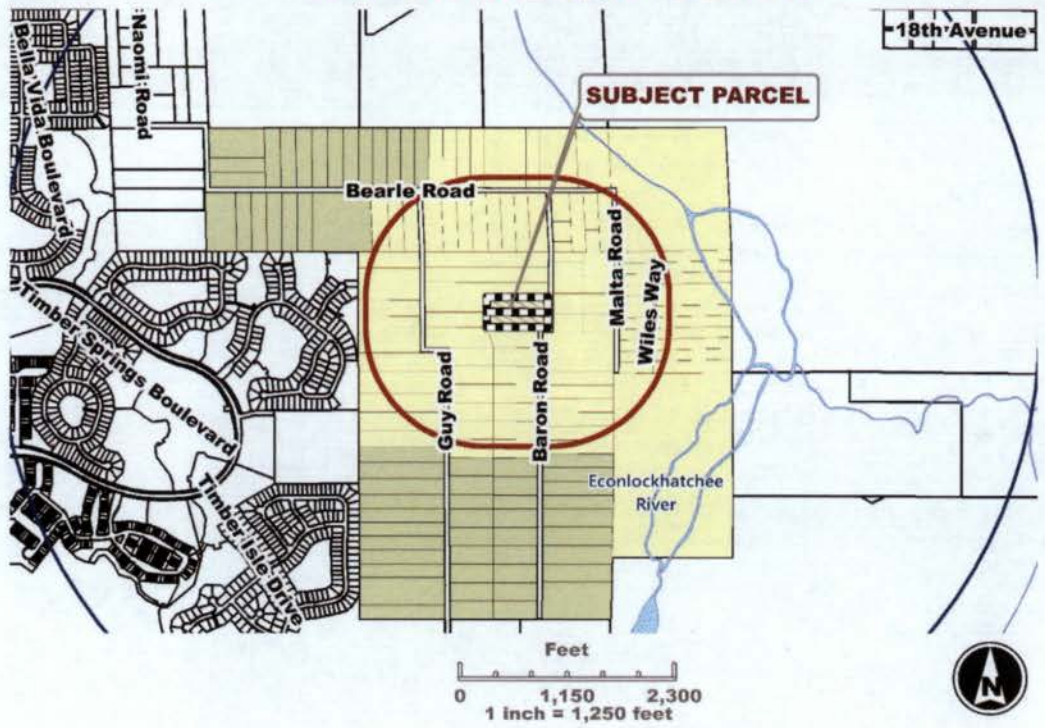


1 inch = 425 feet



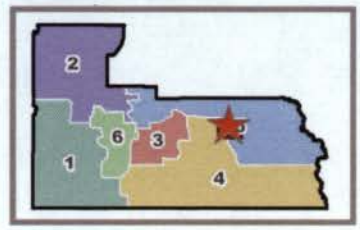
Public Notification Map

404 Baron Road_RZ-19-10-039



- MAP LEGEND**
- SUBJECT
 - 1300 FT BUFFER
 - 1 MILE BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS
 - Road Name

1300 : FT BUFFER
168 : NOTICES
65 : RESIDENTIAL COUNT



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 9/19/2019 4:18:17 PM

Notification Map

Case # RZ-19-10-039
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

CASE # RZ-19-10-040

Commission District: #3

GENERAL INFORMATION

APPLICANT	Khaled Hussein
OWNERS	Lake Underhill 38 Acres LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail.
PARCEL ID NUMBER	25-22-30-0000-00-028
TRACT SIZE	31.29 gross acres / 16.9 net developable acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Nine hundred forty-two (942) notices were mailed to those property owners in the mailing area. A community meeting was held on September 30, 2019, at Little River Elementary School and is summarized within this report.
PROPOSED USE	Approximately Fifty-Eight (58) Single-Family Residential 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) Development shall be limited to up to fifty-eight (58) single-family detached dwelling units;
- 2) All lots that abut the Pinar subdivision to the east shall conform to the R-1A (Single-Family Dwelling District) development standards; and
- 3) Vehicular connection to Purcell Drive shall be required.

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 (LDR) FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1958) E: R-1A (Single-Family Dwelling District) (1958) W: PD (Planned Development District) (Expressway Center PD) (1987) S: R-1AA (Single-Family Dwelling District) (1957) <i>*No zoning restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Subdivision E: Wetland W: Single-Family Subdivision S: Single-Family Subdivision

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

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

Permitted Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, 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 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail. Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct fifty-eight (58) single-family residential dwelling units. The current zoning district would allow for the same number of residential units on the subject property, however, the R-1A zoning district requires lots with a minimum area of 7,500 square feet and a minimum width of 75 feet. The proposed R-1 zoning district allows for lots with a minimum area of 5,000 square feet and a minimum width of 50 feet.

The subject property and the surrounding area are designated on the Future Land Use Map (FLUM) as Low Density Residential (LDR), which allows up to four (4) dwelling units per acre. The surrounding area is characterized single-family residential subdivisions along Lake Underhill Road, with an employment center including a grocery store, retail plazas, medical offices, and a hospital located at the intersection of Lake Underhill Road and S. Chickasaw Trail.

The area west of the subject property is the Expressway Center Planned Development (PD), which was originally approved in 1972 and allows business park, retail commercial, and multi-family uses. However, the portion of the PD adjacent to the subject property is designated as a wetland conservation area on the Wal-mart neighborhood market at Chickasaw Plat dated December 2004. To the north and east of the subject property is the Pinar Subdivision which is developed with single-family detached residences on 75' to 100' lots. South of the subject property, across Lake Underhill Road, is the Rio Pinar Estates Subdivision, which is developed with single-family detached residences on 100' to 150' lots, as well as a semi-private golf course.

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 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 for this request was held on September 30, 2019, at Little River Elementary School. The meeting was attended by fifty three (53) residents. At the meeting, residents expressed concerns that the proposed development would raise property values and taxes in the area and that the homes would not be affordable to area residents. Several other residents expressed concerns about flooding, noting that the existing Pinar subdivision has historically had problems with drainage and flooding. Many other residents stated that there are significant issues with traffic in the area, particularly on this section of Lake Underhill Road, and that since the County has failed to provide adequate roads and drainage infrastructure, this project will worsen the situation.

Rural Settlement

The subject property is not located with 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 net developable area (16.9 acres) is the gross area less the wetlands and surface waters area. The buildable area is the net developable acreage less protective buffer areas, berms and swales required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Class I and Class III wetlands and surface waters amounting to 20.4 acres are located onsite that extend offsite. Orange County Conservation Area Determination CAD-18-08-128 was completed for this property with a certified wetland boundary survey approved on January 11, 2019. The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

The project site is vacant and vegetated. Development shall comply with all state and federal regulations regarding wildlife or 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). All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: County maintained sidewalks exist along Lake Underhill Road from S. Econlockhatchee to S. Goldenrod Road and along S. Chickasaw TI from Lake Underhill Road to Pine Crossing Circle. LYNX Bus Link #212 Knight LYNX Red/Downtown Orlando; #15 - Curry Ford Road/Valencia Comm College East; #406 Orlando/Medical City Fastlink. There is (1) one bus stop within the project area. Multiple failing roadways are within the impact area and a mobility analysis is required.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	12-inch and 20-inch water mains are located within the Lake Underhill right-of-way
Wastewater:	Orange County Utilities	An 18-inch forcemain within Lake Underhill 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 – (October 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. Development shall be limited to up to fifty-eight (58) single-family detached dwelling units;
2. All lots that abut the Pinar subdivision to the east shall conform to the R-1A (Single-Family Dwelling District) development standards; and
3. Vehicular connection to Purcell Drive shall be required.

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 three (3) restrictions. Staff indicated that nine hundred forty-two (942) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and nine (9) responses in opposition of the request. Those in opposition cited concerns of loss of wildlife habitat, and existing problems with traffic and flooding in the area. The applicant was present and agreed with the staff recommendation. Several residents were present and spoke in opposition to the request, citing the same concerns as those stated at the community meeting.

Discussion ensued regarding the extent of the wetlands on site, and concerns of environmental impacts and compatibility. Staff indicated that the majority of the western portion of the site was Class I wetland and the applicant was not proposing any impacts to that wetland area. Staff also indicated that, in order to address concerns of compatibility with the R-1A zoned lots in the subdivision to the east, staff had recommended a restriction that any lots in the proposed development on that abut the eastern boundary would also have to meet the standards of the R-1A zoning district. A motion was made by Commissioner Fernandez, and seconded by Commissioner Cantero to recommend approval of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Jose Cantero

Voting in Favor

Eddie Fernandez, Jose Cantero, Diane Velazquez, Jimmy Dunn, Gordon Spears, Carlos Nazario, Eddie Fernandez, and JaJa Wade

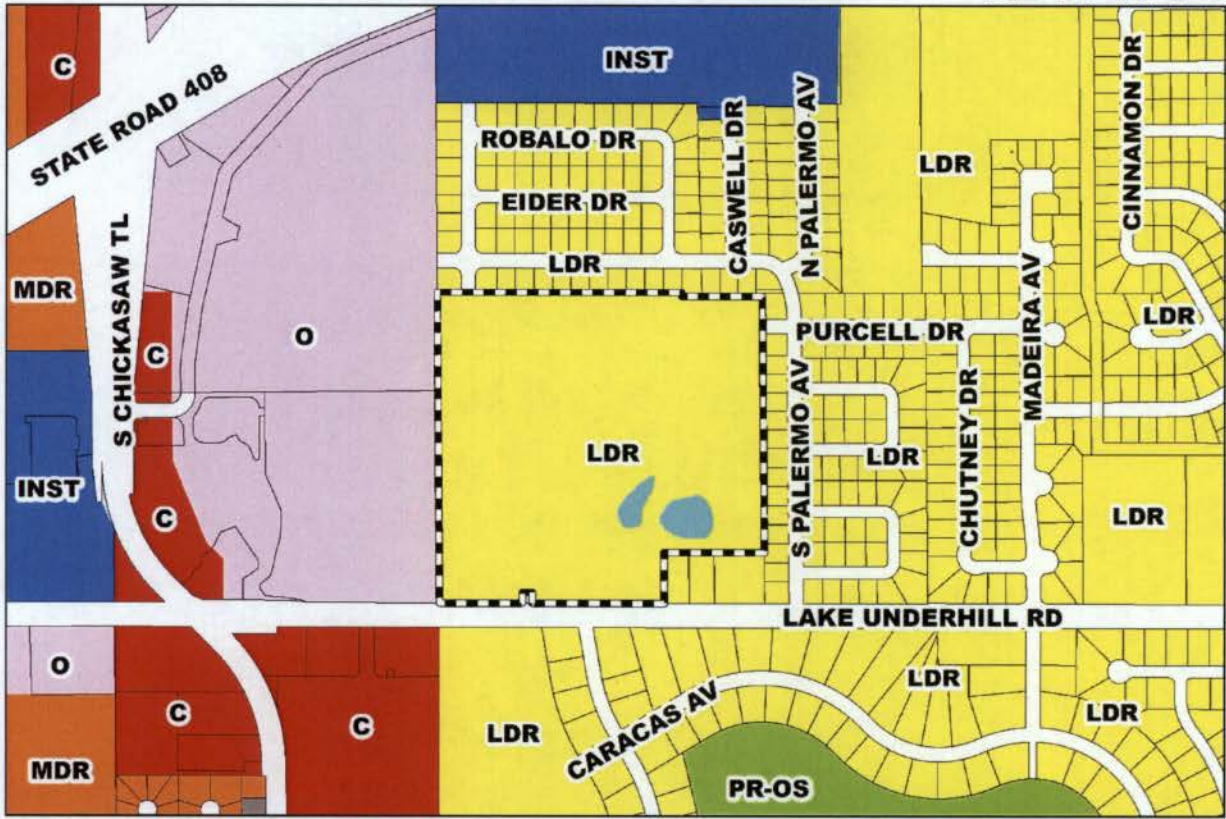
Voting in Opposition

None

Absent

Mohammed Abdallah

RZ-19-10-040



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Khaled Hussein

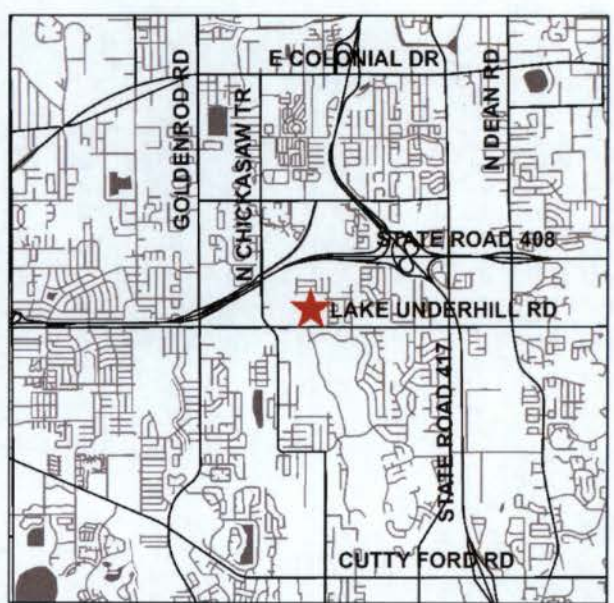
LOCATION: 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail.

TRACT SIZE: 31.29 gross acres / 16.9 net developable acres

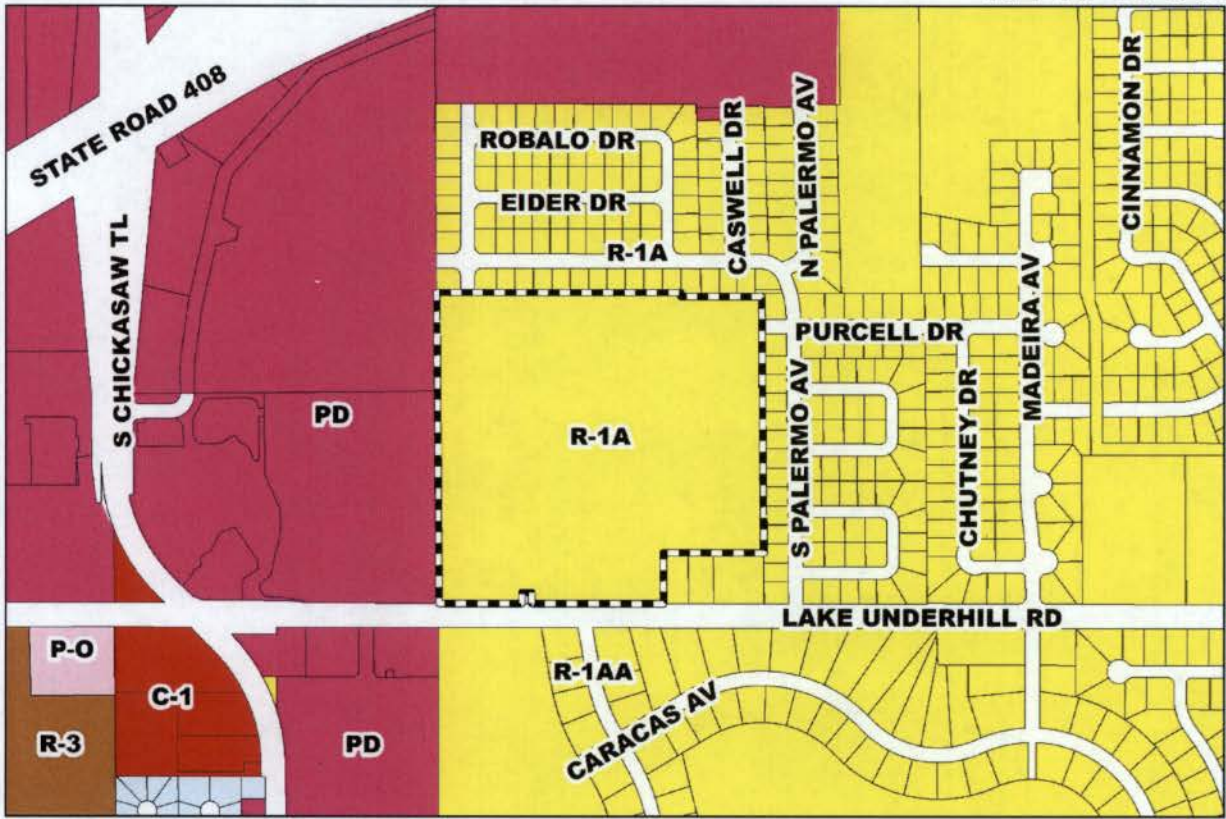
DISTRICT: # 3

S/T/R: 25/22/30

1 inch = 650 feet



RZ-19-10-040



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Khaled Hussein

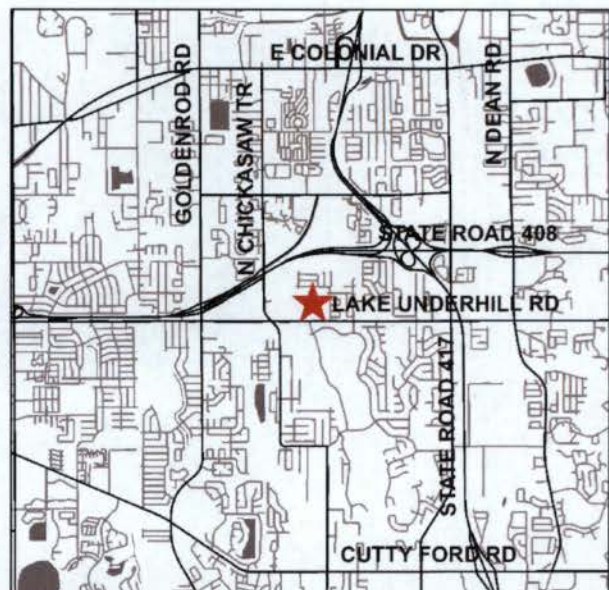
LOCATION: 8247 Lake Underhill Road; generally located
 north of Lake Underhill Road, south of
 Troxler Drive, west of S. Palermo Avenue,
 and east of S. Chickasaw Trail.

TRACT SIZE: 31.29 gross acres /
 16.9 net developable acres

DISTRICT: # 3

S/T/R: 25/22/30

1 inch = 650 feet



RZ-19-10-040



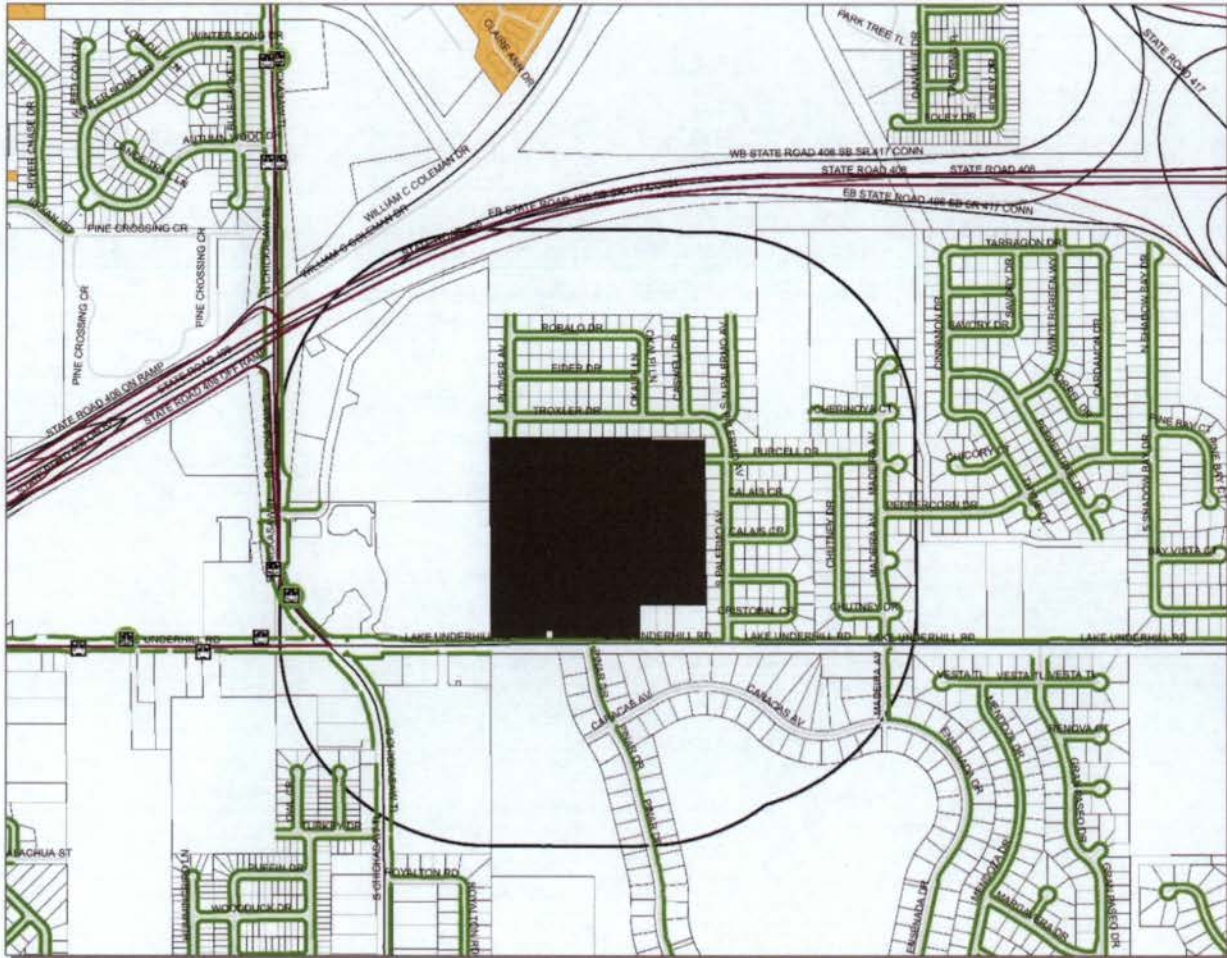
 Subject Property



1 inch = 725 feet

Alternative Mobility Area Context Map

RZ-19-10-040
 To rezone from R-1A
 (Single-Family Dwelling
 District) to R-1 (Single-
 Family Dwelling District)
 to construct fifty-eight
 (58) SFRS.

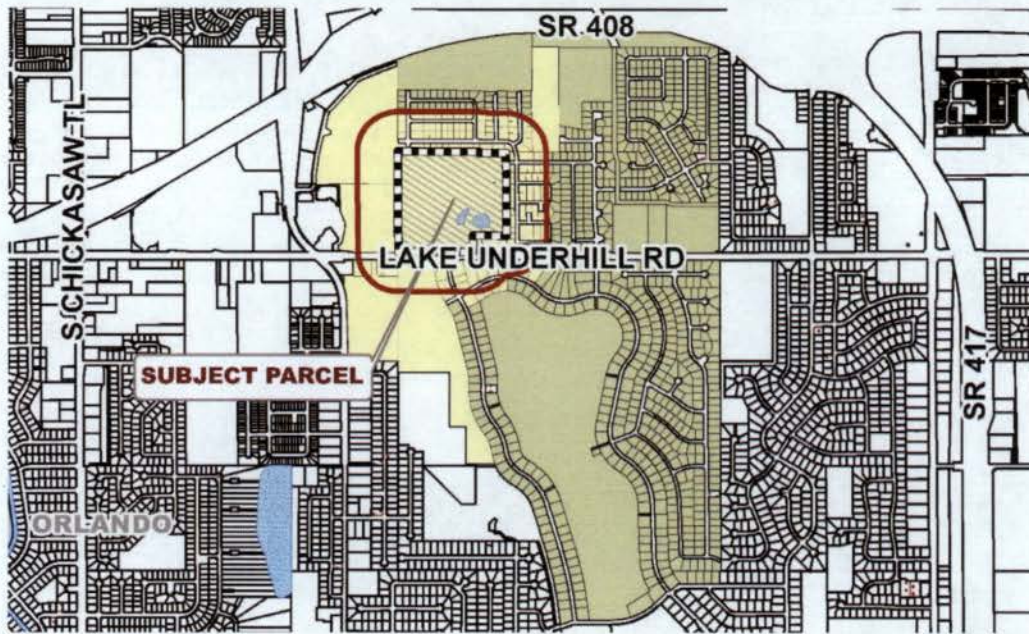


Document Path: U:\GIS 2018.mxd



Public Notification Map

RZ-19-10-040



Subject Site

Feet
 0 1,350 2,700
 1 inch = 1,452 feet

MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

500 : FT BUFFER
942 : NOTICES
158 : RESIDENTIAL COUNT



Notification Map

Case # RZ-19-10-040
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

CASE # RZ-19-10-042

Commission District: #4

GENERAL INFORMATION

APPLICANT	Miguel Sosa
OWNERS	Miguel Sosa
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-T-1 (Mobile Home Subdivision District) to R-2 (Residential District)
LOCATION	105 and 111 4th Street and 9443 Sidney Hayes Road; or generally located on the northeast corner of Sidney Hayes Road and 4th Street.
PARCEL ID NUMBER	01-24-29-8516-30-106, 01-24-29-8516-30-107, 01-24-29-8516-30-108
TRACT SIZE	0.618 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-one (81) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Construction of two (2) Triplex Units

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The proposed R-2 (Residential District) zoning is consistent with the LMDR FLUM designation 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.

OBJ H1.1 states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

SITE DATA

Existing Use	Vacant
Adjacent Zoning	N: A-2 (Farmland Rural District) (1960) R-2 (Residential District) (1962) E: R-T-1 (Mobile Home Subdivision District) (2002) W: IND-2/IND-3 (Industrial District) (1967) (1969) S: IND-2/IND-3 (Industrial District) (1974)
Adjacent Land Uses	N: Single-Family Dwelling Units E: Vacant W: Warehouse S: Warehouse

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.
<i>Side Street:</i>	15 ft.

Two Dwelling Units

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

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit

Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	15 ft.

Four or More Dwelling Units

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

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

Permitted Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses. 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 is encouraged. Additionally, 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 105-111 4th Street and 9443 Sidney Hayes Road; or generally located on the northeast corner of Sidney Hayes Road and 4th Street. The property is currently undeveloped.

The subject property was originally platted as three 60' x 142' lots within the Taft neighborhood and recorded on January 20, 1960. Today, the neighborhood can be characterized as being developed with single-family detached and attached dwelling units on a variety of parcel sizes. The surrounding area generally consists of industrial uses IND-2/IND-3 (Industrial District). The residential enclave mostly consists of a mix of R-T-1 (Mobile Home Subdivision District) and R-2 (Residential District) zoning.

Through this request, the applicant is seeking to rezone the subject parcel from R-T-1 (Mobile Home Subdivision District) to R-2 (Residential District) in order to construct two (2) triplex units.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation, which allows for development up to ten (10) units per acre.

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 application.

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

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

This site is located within proximity to industrial uses. This could have adverse effects on the subject parcels, such as loud noises resulting from daily operation.

Transportation / Access

Based on the concurrency database dated September 20, 2019, there are (2) two failing roadway segments within the project area. Taft-Vineland Road from Orange Blossom Trail to General Boulevard, General Drive to Orange Avenue. A traffic study will be required.

Code Enforcement

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

Utilities

Water: Taft Water Association

Wastewater: Orange County Utilities 8-inch forcemain is located at the intersection of 4th Street and S. Orange Avenue.

Reclaim Water: Orange County Utilities Not currently 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 reviewed the 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 – (October 17, 2019)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.

Staff indicated that eighty-one (81) notices were sent to property owners within 600 feet of the subject property, with zero (0) responses in support of the rezoning and zero (0) in opposition. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Nazario, and seconded by Commissioner Spears to recommend approval of the requested R-2 (Residential District) zoning. The motion carried on a 7-0 vote.

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

RZ-19-10-042



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Miguel Sosa

LOCATION: 105-111 4th Street and 9443 Sidney Hayes Road; or generally located on the northeast corner of Sidney Hayes Road and 4th Street

TRACT SIZE: 0.618-gross acre

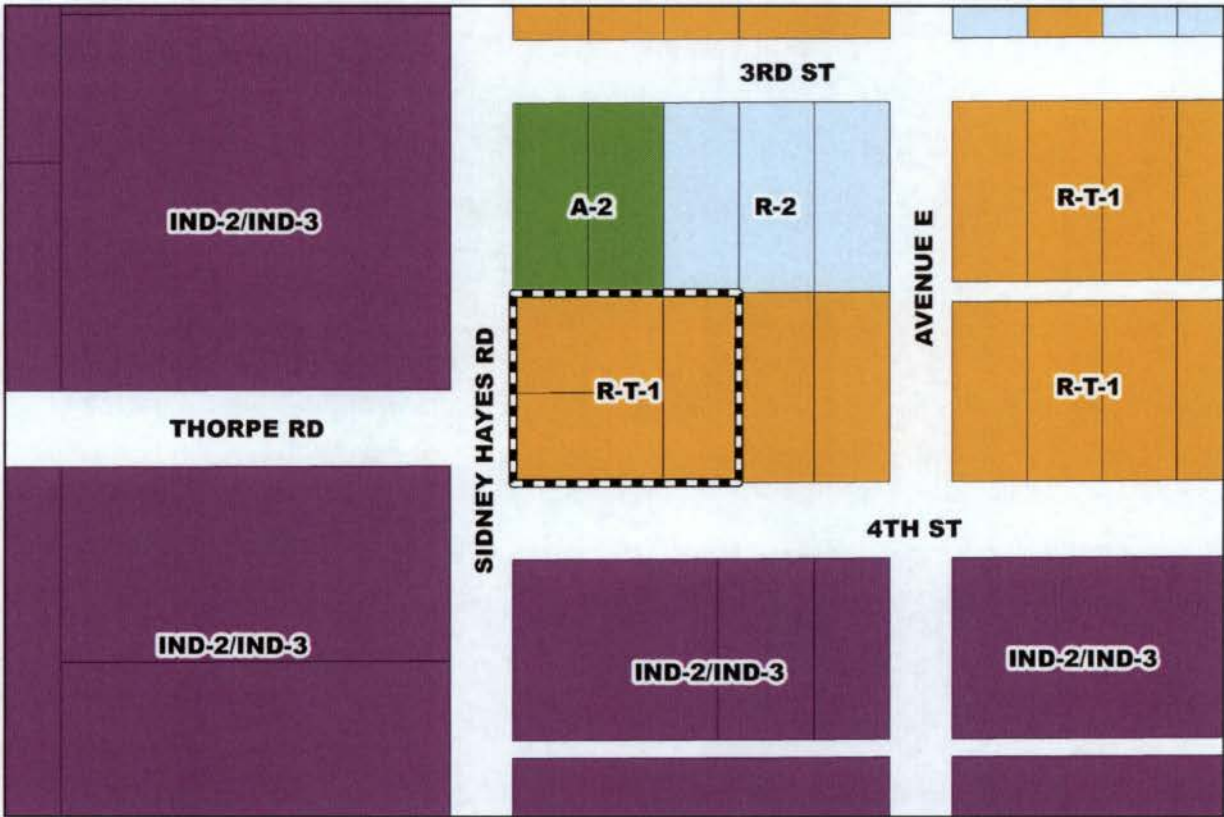
DISTRICT: # 4

S/T/R: 01/24/29

1 inch = 125 feet



RZ-19-10-042



Subject Property



Subject Property

Zoning Map

ZONING: R-T-1 (Mobile Home Subdivision District) to R-2 (Residential District)

APPLICANT: Miguel Sosa

LOCATION: 105-111 4th Street and 9443 Sidney Hayes Road; or generally located on the northeast corner of Sidney Hayes Road and 4th Street

TRACT SIZE: 0.618-gross acre

DISTRICT: # 4

S/T/R: 29/24/01

1 inch = 125 feet



RZ-19-10-042



 Subject Property

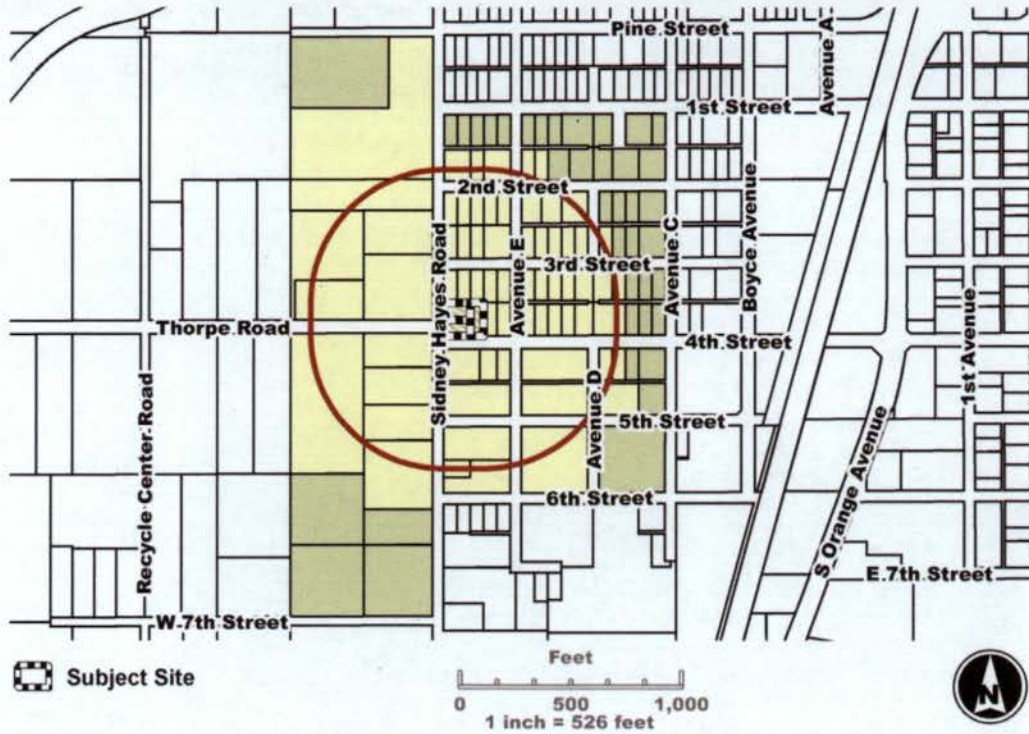


1 inch = 125 feet



Public Notification Map

RZ-19-10-042



MAP LEGEND

- SUBJECT
- 1_MILE_BUFFER
- 600_FT_BUFFER
- PARCELS
- NOTIFIED_PARCELS
- COURTESY NOTICES
- Road Name

600 : FT BUFFER
81 : NOTICES
35 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-19-10-042
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

CASE # RZ-19-10-046

Commission District: #3

GENERAL INFORMATION

APPLICANT	Max Sabeti, New Earth Properties, LLLP
OWNERS	May Luke
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	754 N. Forsyth Road; generally located west of N. Forsyth Road, east of Dennis Avenue, south of Curtis Street, and north of Heather Road.
PARCEL ID NUMBER	22-22-30-0000-00-027 and 22-22-30-0000-00-134
TRACT SIZE	31.51 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three hundred ninety-seven (397) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Approximately Fifty-Four (54) Single-Family Residential Dwelling Units

STAFF RECOMMENDATION

PLANNING

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

- 1) Development shall be limited to up to fifty-four (54) single-family detached dwelling units.

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

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

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

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

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

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

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

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

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

SITE DATA

Existing Use Undeveloped Land

Adjacent Zoning N: R-3 (Multiple-Family Dwelling District) (1974),
R-1A (Single-Family Dwelling District) (1957)
E: R-2 (Residential District) (1988)
W: R-1A (Single-Family Dwelling District) (1957)
S: A-2 (Farmland Rural District) (1957)
**No zoning restrictions apply to the above zoning districts*

Adjacent Land Uses N: Single-Family Residences, Undeveloped land
E: Conservation Land
W: Single-Family Residences
S: Single-Family Residences

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:

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

Front: 20 ft.
Rear: 20 ft.
Side: 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 754 N. Forsyth Road; generally located west of N. Forsyth Road, east of Dennis Avenue, south of Curtis Street, and north of Heather Road. Through this request the applicant is seeking to rezone the subject property to R-2 (Residential District) to allow for the development of approximately fifty-four (54) single-family residential dwelling units. The subject property contains two parcels totaling 31.51 gross acres, however roughly eighteen acres in the center of the property are submerged in an area that appears to have been a borrow pit created around 1970. The applicant has indicated that while there will be a unified Home Owners Association that includes all fifty-four (54), there would conceptually be one row of homes with access

along Dennis Avenue and Heather Road, and another row of homes which will have access from a cul-de-sac off N Forsyth Road.

The single-family residences surrounding the subject property are zoned R-1A, and are not platted, with lots ranging from 100' to 130' in width. However, there are several single-family subdivisions on R-2 zoned properties in the area, such as the Ebans Preserve subdivision to the southeast, and the Grenadier Woods Subdivision to the west, each of which includes 40' to 45' wide lots. The parcel to the east of the subject property was rezoned from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in 1988 as part of the larger 54 acre rezoning including the C-3 (Wholesale Commercial District) area to the north. However, the 32-acre R-2 property is designated as conservation land on the Forsyth Commerce Center Plat approved in May 2019. Additional development in the area includes Forsyth Woods Elementary School to the north, and Colonial High School to the southwest.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low Medium Density Residential 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 on October 14 at Forsyth Woods Elementary School. At this meeting, 36 residents were in attendance expressing concerns for compatibility, traffic, emergency response times, and precedent setting for future development.

Rural Settlement

The subject property is located within the Sunflower Trail 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 located within Airport Noise Zones "D" and "E". New residential development in Airport Noise Zone "E" requires a waiver of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions. New residential development in Airport Noise Zone "D" requires a waiver

of claim to be executed between the applicant and the Greater Orlando Aviation Authority for lot-splits and subdivisions. In addition, sound level reduction (SLR) design standards are required which may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles.

Environmental

There are hydric soils on this site and the appearance of a borrow pit. A Conservation Area Determination (CAD) is needed to determine the amount of net developable area. Until wetland permitting is complete (actual acreages to be determined in that process that includes the conservation area determination and conservation area impact permit) the net developable acreage is only an approximation. The developable acreage is the gross acreage less the wetlands and surface waters. The buildable area is the gross acreage less the wetlands and less protective buffer areas if required to prevent secondary wetland impacts and surface waters. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in a wetland or protective upland buffer area without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved. Density calculation has to be based upon the net developable acreage. In order to include new Class I, II and III conservation areas in the density and Floor Area Ratio calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division.

Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps and either permit requires action by the Board of County Commissioners.

Prior to any dewatering activities occurring on site, the applicant shall obtain approval of the dewatering plans from the local Water Management District and the Florida Department of Environmental Protection. The applicant/developer shall provide copies of the dewatering notices of approval to the Orange County Environmental Protection Division, Attention: NPDES Program.

Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within a 1/2 mile project area: Orange county (non-continuous) maintained sidewalks along the property frontage on N. Forsyth Road from Yucatan Drive to E. Colonial Drive. There are State maintained sidewalks / bike path along E. Colonial Drive from N. Goldenrod Road to N. Semoran Boulevard. LYNX bus

link #104 E. Colonial Drive / UCF. There are four (4) bus stops within the project area. A mobility analysis may be required for this project.

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 gravity main is located at the intersection of Heather and Forsyth, 4-inch forcemain at the intersection of Forsyth and Ebans.
Reclaim Water:	Orange County Utilities	Not Currently Available

Schools

The applicant needs to apply for a formal School Capacity Determination from Orange County Public Schools (OCPS)

Parks and Recreation

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

Neighborhood Services

This property is located within the Azalea Park Safe Neighborhood area.

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 – (October 17, 2019)

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

- 1) Development shall be limited to up to fifty-four (54) single-family detached dwelling units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

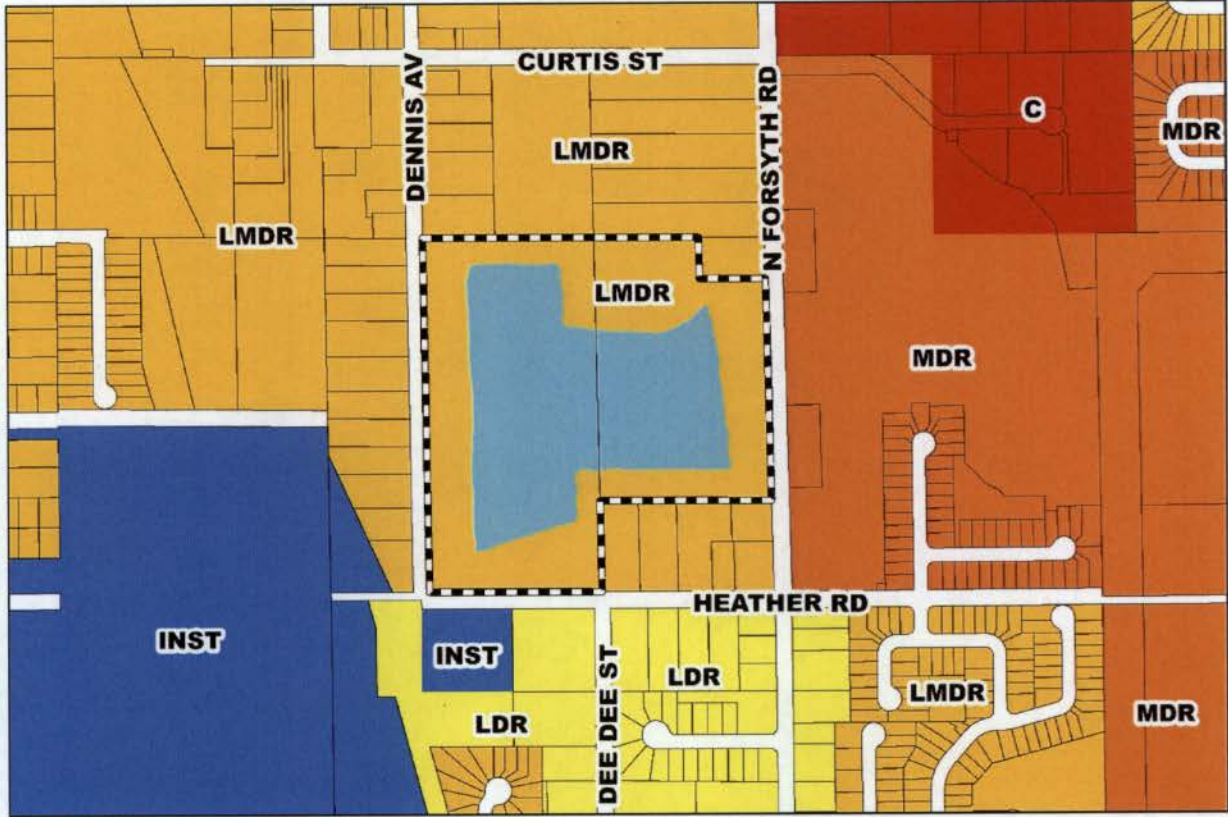
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to one (1) restriction. Staff indicated

that three hundred ninety-seven (397) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received two (2) responses in opposition to the request and zero (0) in favor. The response in opposition cited concern that the proposed smaller and larger number of lots would negatively impact the rural character of the existing neighborhood and would not be compatible. The applicant was present and agreed with the staff recommendation. Several residents were present and spoke in opposition of the request.

Discussion ensued regarding this history of the borrow pit. Several residents indicated that the property had been taken through eminent domain and that there were legal agreements prohibiting any future development on the property. Staff indicated that there was no history of public ownership of the property and that no documents could be located that placed any sort of development restrictions on the property. Further discussion related to concerns that the proposed R-2 lot sizes would be inconsistent with the existing adjacent residential lots. A motion was made by Commissioner Fernandez, and seconded by Commissioner Spears to deny. The motion failed. Subsequently, a motion was made by Commissioner Cantero, and seconded by Commissioner Spears to recommend approval. The motion carried on a 7-2 vote.

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

RZ-19-10-046



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Max Sabeti, New Earth Properties, LLLP

LOCATION: 754 N. Forsyth Road; generally located west of N. Forsyth Road, east of Dennis Avenue, south of Curtis Street, and north of Heather Road.

TRACT SIZE: 31.51 gross acres gross acres

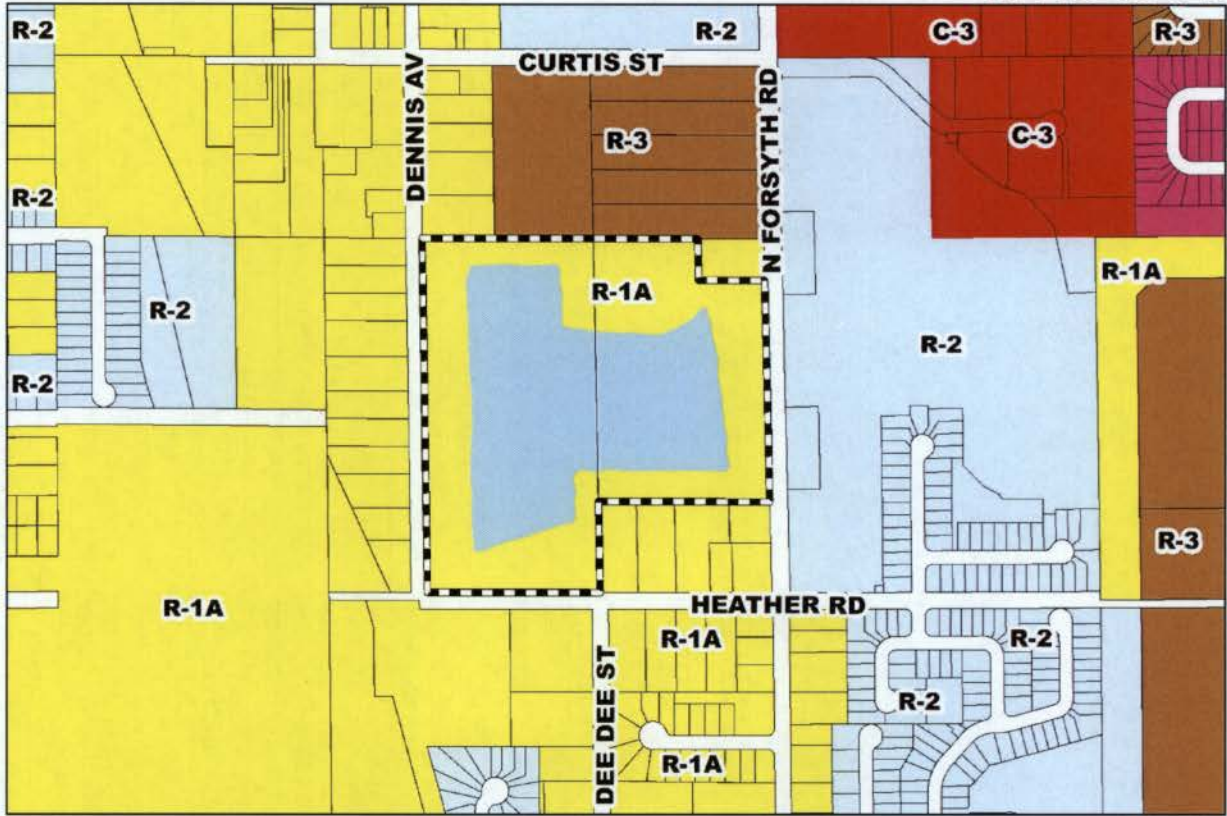
DISTRICT: # 3

S/T/R: 22/22/30

1 inch = 575 feet



RZ-19-10-046



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-2 (Residential District)

APPLICANT: Max Sabeti, New Earth Properties, LLLP

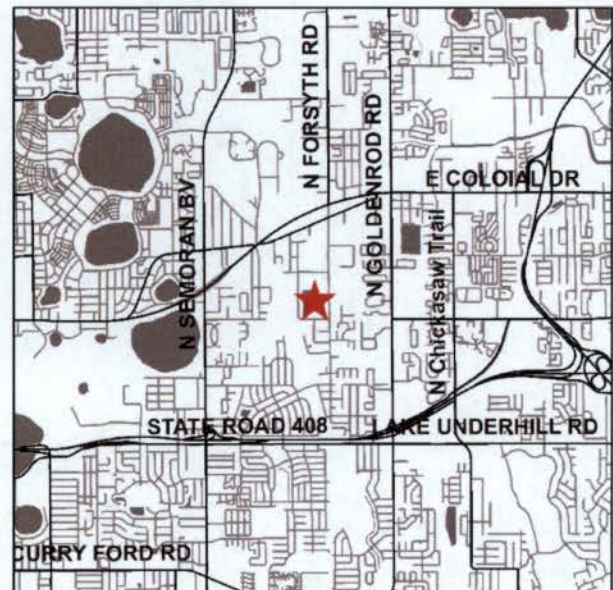
LOCATION: 754 N. Forsyth Road; generally located west of N. Forsyth Road, east of Dennis Avenue, south of Curtis Street, and north of Heather Road.

TRACT SIZE: 31.51 gross acres gross acres

DISTRICT: # 3

S/T/R: 22/22/30

1 inch = 575 feet



RZ-19-10-046



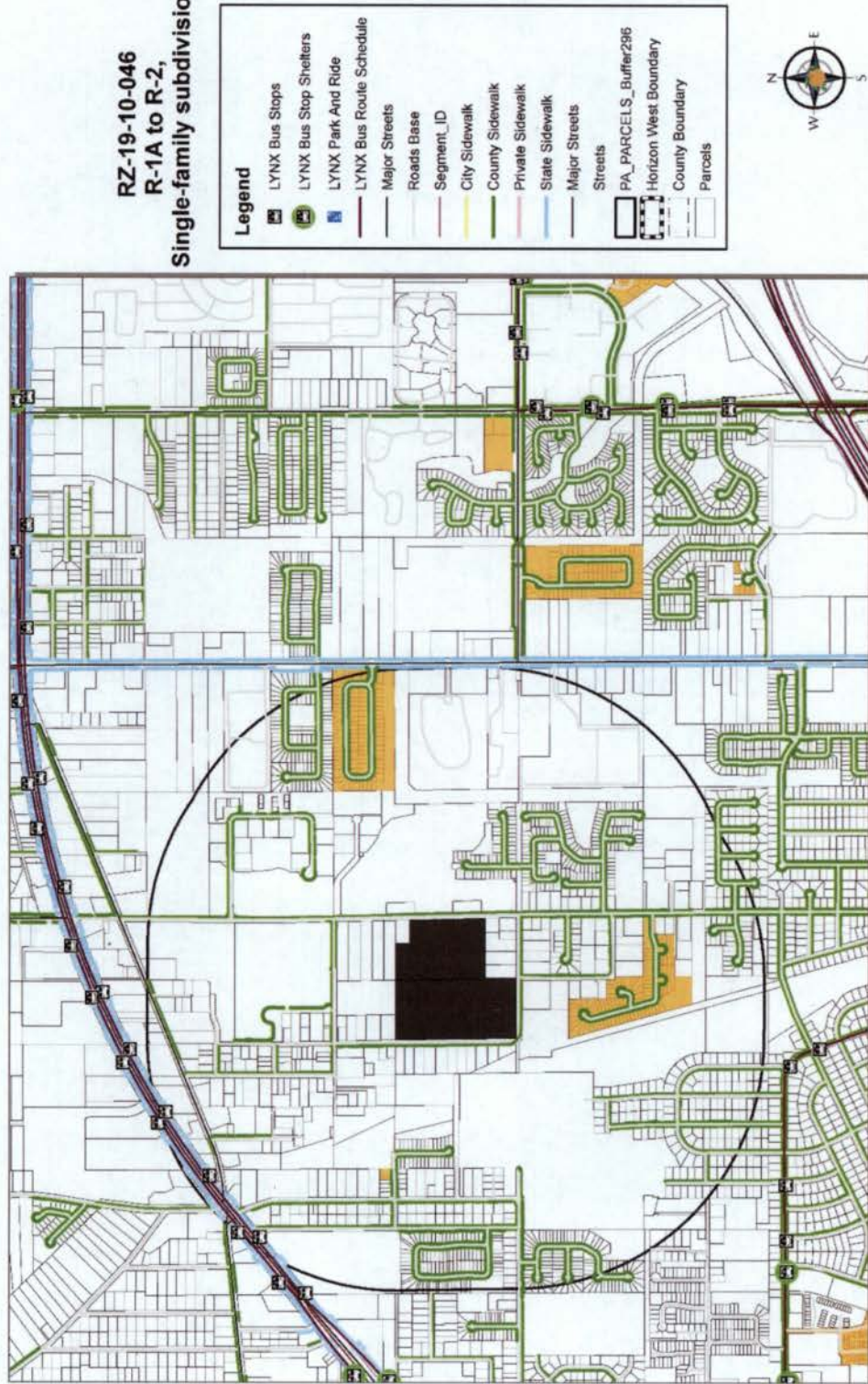
 Subject Property



1 inch = 650 feet

Alternative Mobility Area Context Map

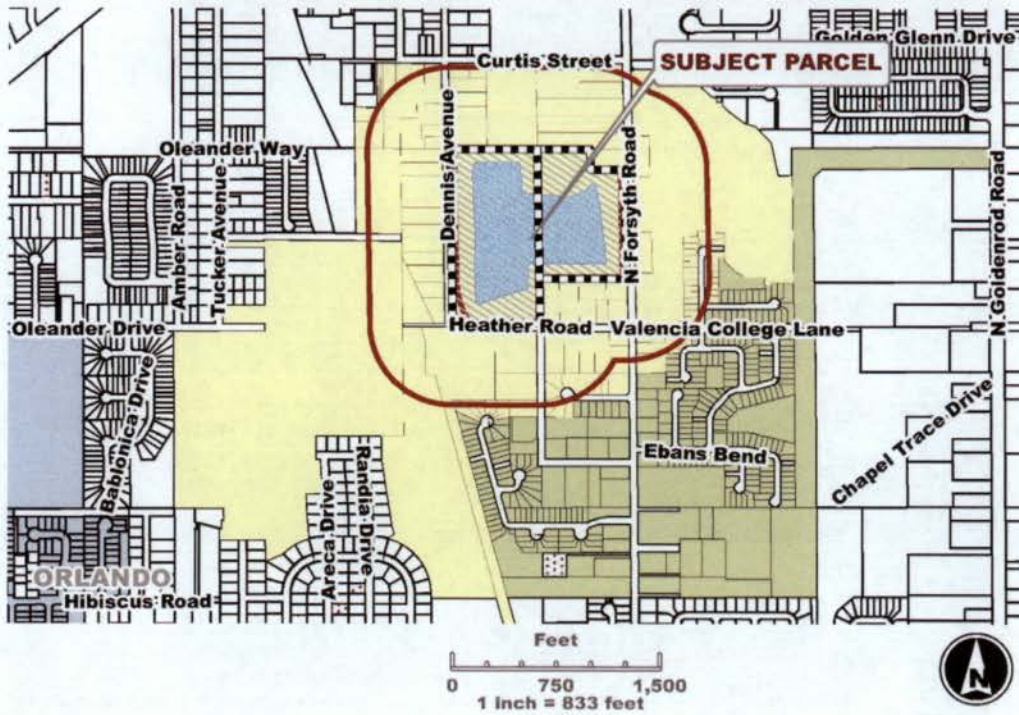
RZ-19-10-046
 R-1A to R-2,
 Single-family subdivision





Public Notification Map

754 N Forsyth Road_RZ-19-10-046



- MAP LEGEND**
- SUBJECT
 - 600 FT BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS
 - Road Name

500 : FT BUFFER
397 : NOTICES
83 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-19-10-046
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

Case Planner:
Nicolas Thalmueller

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

CASE # RZ-19-10-047

Commission District: #6

GENERAL INFORMATION

APPLICANT	Michael D. Young, Julian Properties, Inc.
OWNERS	Prometheus Trust William E. Carpenter, Jr. Carol Carpenter Polk
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-2 (General Retail Commercial District) to C-3 (Wholesale Commercial District)
LOCATION	5698 S. Orange Blossom Trail; or generally located on the northwest corner of S. Orange Blossom Trail and Wakulla Way
PARCEL ID NUMBER	22-23-29-7268-21-006
TRACT SIZE	3.67 gross acres (<i>total parcel</i>) 2.30 gross acres (<i>affected area</i>)
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred forty-eight (148) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Vehicle Sales with Overnight Commercial Vehicle Parking

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The C-3 (Wholesale Commercial District) zoning would allow for development that is not compatible 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). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation, but is not compatible with the following Comprehensive Plan provisions:

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

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

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

GOAL N1 states that the County shall maintain the residential character of neighborhoods through land use regulations.

GOAL N3 states the County shall improve the quality and appearance of existing and new neighborhoods.

OBJ N3.1 states the integrity of neighborhoods shall be protected the integrity of neighborhoods through the enforcement of County codes.

SITE DATA

Existing Use

Vehicle Sales

Adjacent Zoning

N: R-1A (Single-Family Dwelling District) (1957)

C-2 (General Commercial District) (1961) (1963)

E: C-3 (Wholesale Commercial District) (1991)*

**Restricted to a six-foot block/masonry wall on north property boundary*

W: C-2 (General Commercial District) (1984)

S: C-1 (Retail Commercial District) (1987)

Adjacent Land Uses

N:	Vehicle Sales
E:	Vehicle Repair / Barber Shop
W:	Undeveloped Land
S:	Gas Station

C-3 [Wholesale Commercial District] Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 100 ft. (on all other streets)
Max. Height:	75 ft. 35 ft. (within 100 feet of all residential districts)
Min. Floor Area:	500 sq. ft.

Building Setbacks

Front:	25 ft. (except on major streets as provided in Art. XV)
Rear:	15 ft. 20 ft. (when abutting residential district)
Side:	5 ft. 25 ft. (when abutting residential district)

Intent, Purpose, and Uses

The intent and purpose of the C-3 district is to implement and be consistent with the Commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 includes storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 5698 S. Orange Blossom Trail; or generally located on the northwest corner of S. Orange Blossom Trail and Wakulla Way. The surrounding area is developed with varying levels of commercial development along the S. Orange Blossom Trail corridor and varying levels of residential development to the east and west of this corridor.

The subject property consists of 3.67 gross acres and is currently split zoned with a majority of the parcel being zoned C-2 (General Commercial District) and the remainder zoned C-1 (Retail Commercial District). The site is currently being used for vehicle sales on the C-2 zoned portion.

Through this request, the applicant is seeking to rezone a majority of the C-2 zoned portion of the subject property totaling 2.30 gross acres from C-2 (General Commercial District) to C-3 (Wholesale Commercial District) to allow for the overnight parking of commercial vehicles in addition to the existing vehicle sales use.

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.

Community Meeting Summary

A community meeting was not required for this request.

Rural Settlement

The subject property is not within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not within a Joint Planning Area.

Overlay District Ordinance

The subject Property is partially located within the Orange Blossom Trail Overlay District.

Airport Noise Zone

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

Environmental

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

Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: There are existing State maintained sidewalks along S. Orange Blossom Trail from W. Oak Ridge Road to Americana Blvd. LYNX bus link #107 Downtown Orlando / Florida Mall; #441 Fastlynx; #304 LYNX 3D Rio Grande / Vistana Resort; #8 W. Oak Ridge / International Drive. There are thirteen (13) bus stops and two (2) bus shelters within the project area. A mobility analysis may be required for this project.

Code Enforcement

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

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	16-inch forcemain is located within Orange Blossom 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 – (October 17, 2019)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

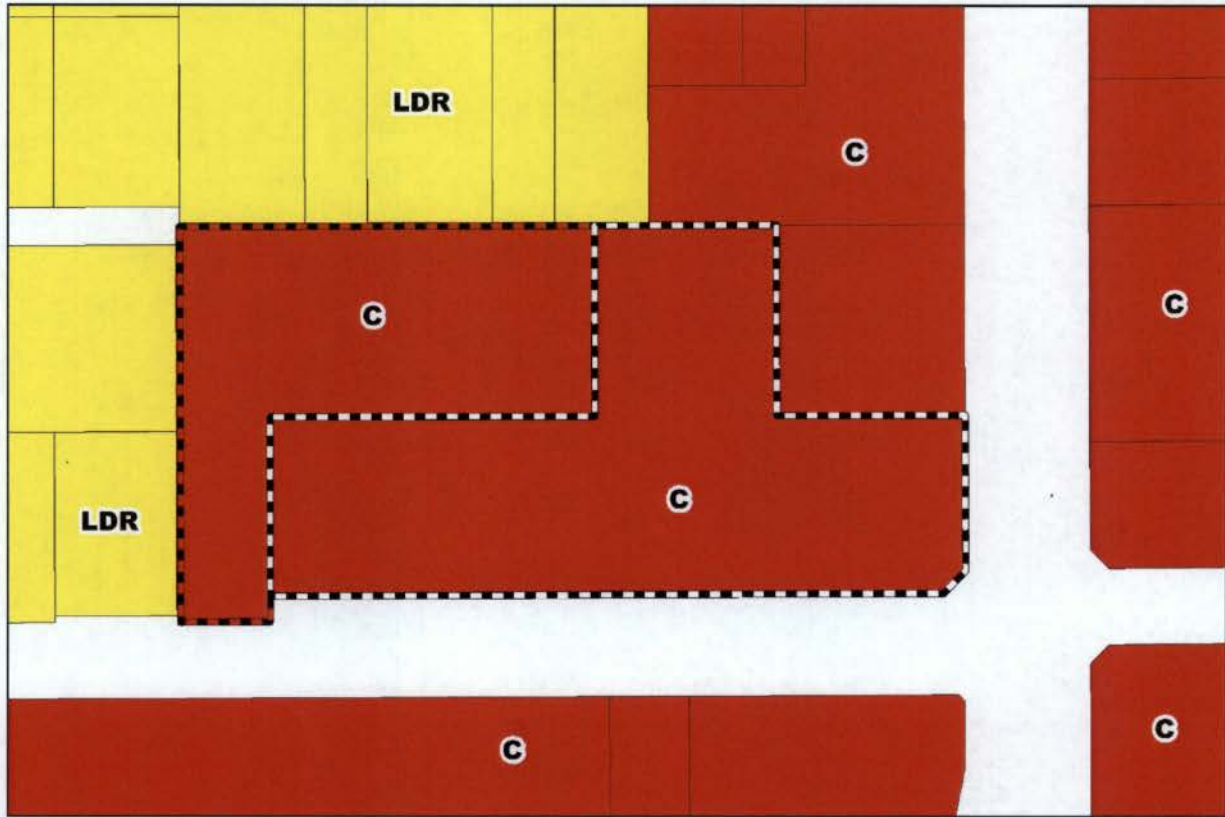
The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning.

Staff indicated that one hundred forty-eight (148) notices were sent to property owners within 500 feet of the subject property, with zero (0) responses in support of the rezoning and three (3) in opposition. The applicant was present and disagreed with the staff recommendation. Three (3) members of the public were present to speak on this request.

After limited discussion regarding the history and development trends in the area, a motion was made by Commissioner Wade, and seconded by Commissioner Spears to recommend denial of the requested C-3 (Wholesale Commercial District) zoning. The motion carried on a 9-0 vote.

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

RZ-19-10-047



Subject Property
 Parcel Boundary



Subject Property

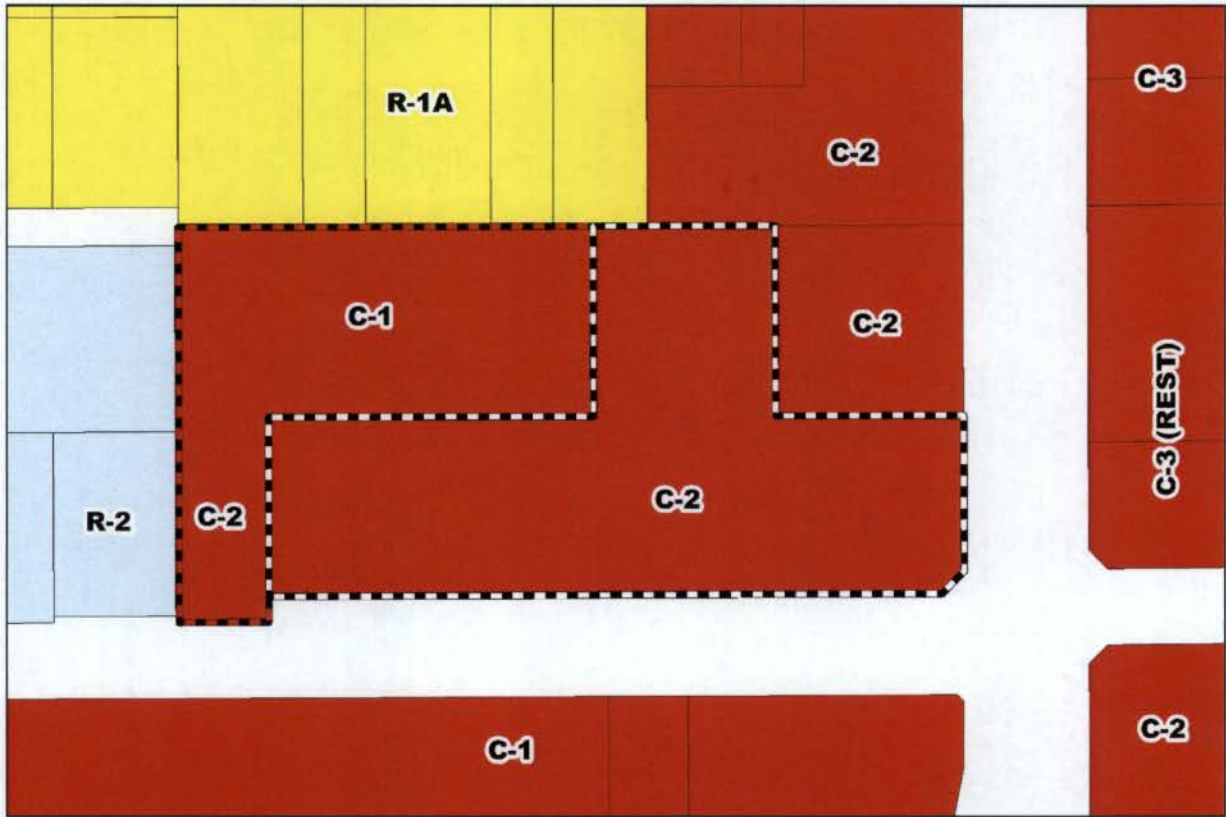
Future Land Use Map

FLUM: Commercial
 APPLICANT: Michael D. Young, Julian Properties, Inc.
 LOCATION: 5698 S. Orange Blossom Trail; or generally located on the northwest corner of S. Orange Blossom Trail and Wakulla Way
 TRACT SIZE: 3.67 gross acres (total parcel)
 2.30 gross acres (affected area)
 DISTRICT: # 6
 S/T/R: 22/23/29

1 inch = 125 feet



RZ-19-10-047



Subject Property
 Parcel Boundary



Subject Property

Zoning Map

ZONING: C-2 (General Commercial District) to
 C-3 (Wholesale Commercial District)

APPLICANT: Michael D. Young, Juilian Properties, Inc.

LOCATION: 5698 S. Orange Blossom Trail; or
 generally located on the northwest
 corner of S. Orange Blossom Trail and
 Wakulla Way

TRACT SIZE: 3.67 gross acres (total parcel)
 2.30 gross acres (affected area)

DISTRICT: # 6



S/T/R: 22/23/29

1 inch = 125 feet



RZ-19-10-047



-  Subject Property
-  Parcel Boundary



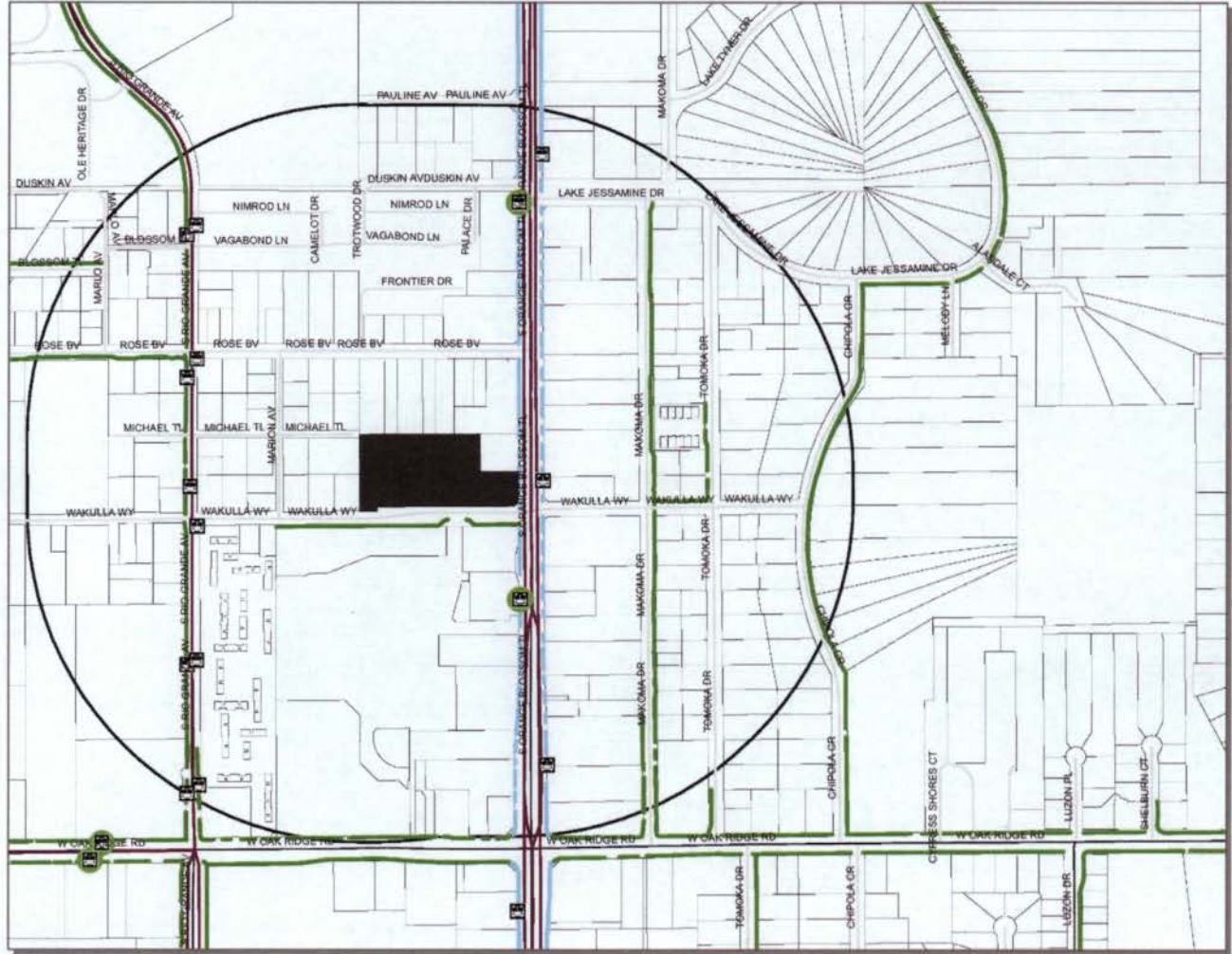
1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-19-10-047
 C-2 to C-3

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_Buffer298
- Horizon West Boundary
- County Boundary
- Parcels

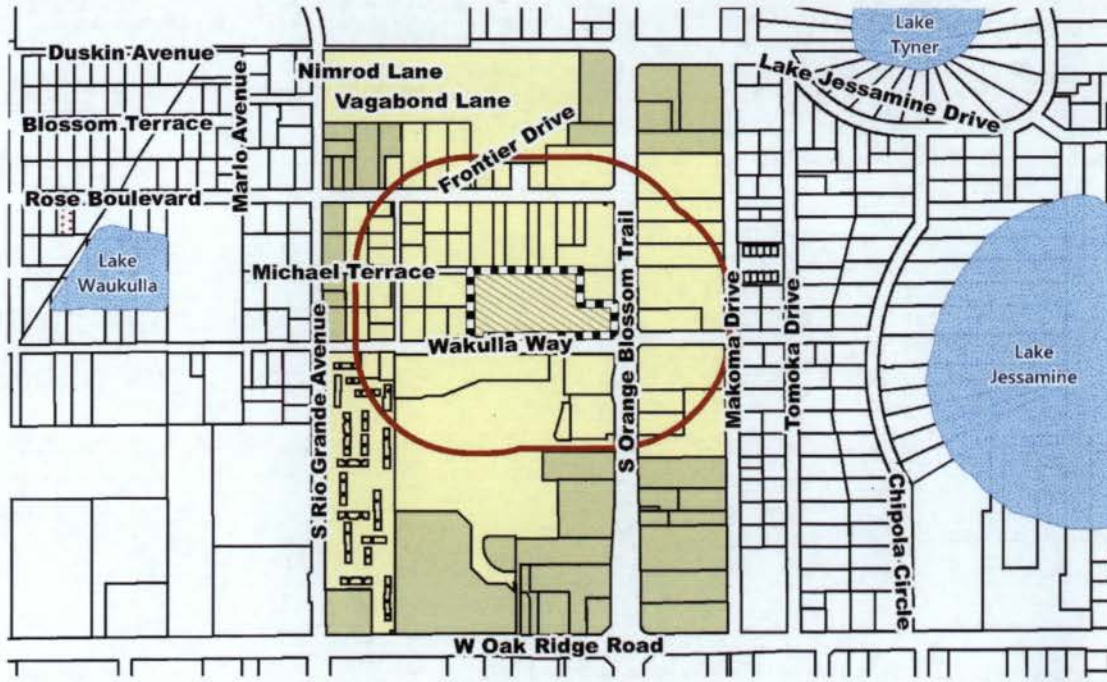


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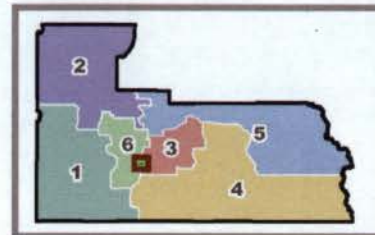
Public Notification Map

RZ-19-10-047

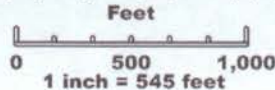


- MAP LEGEND**
- SUBJECT
 - 500 FT BUFFER
 - HYDROLOGY
 - PARCELS
 - NOTIFIED PARCELS
 - COURTESY NOTICES
 - Road Name

500 : FT BUFFER
148 : NOTICES
64 : RESIDENTIAL COUNT



Subject Site



Notification Map

Case # LUP-18-01-037
 Orange County Planning Division
 PZC Hearing Date: October 17, 2019

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