



Interoffice Memorandum

July 15, 2022

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services
Department

CONTACT PERSON: Ted Kozak, AICP, Chief Planner
Zoning Division
(407) 836-5537

SUBJECT: July 26, 2022 Board Called Hearing
Applicant: Jose Ramirez for Massey Street Apartments
BZA Case #SE-22-02-141, February 3, 2022; District 4

Board of Zoning Adjustment (BZA) Case # SE-22-02-141, located at 10002 and 10014 Massey Street, Orlando, Florida, 32825, in District 4, is a Board called public hearing. The applicant is requesting a special exception in the R-2 zoning district to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows: 52.1 ft. from the east property line in lieu of 100 ft.; 30 ft. from the south property line in lieu of 100 ft. The subject property is located on the southeast corner of Massey St. and N. Dean Rd., south of E. Colonial Dr.

At the February 3, 2022 BZA hearing, staff recommended denial of the special exception request. The BZA recommended approval of the special exception, subject to five conditions. At the February 22, 2022 Board meeting, this item was pulled for a separate public hearing.

At the April 26, 2022 Board hearing, staff recommended continuance of the special exception request to the May 24, 2022 Board hearing. After the continuance, the requested distance separation to the east property line was reduced by the applicant from 63.7 ft. to 52.1 ft., as reflected in an updated site plan. In addition, the site plan was updated to include a new 6 ft. high brick screen wall along the Dean Road frontage. The May 24, 2022 Board hearing was cancelled for re-advertisement and re-noticing with the modified dimension. A copy of the updated plan set (dated May 20, 2022) is attached to this memo for reference.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the

disclosure of expenditures related to the presentation of items or lobbying of items before the Board. A copy is available upon request in the Zoning Division.

Page Two

July 26, 2022 – Board Called Public Hearing

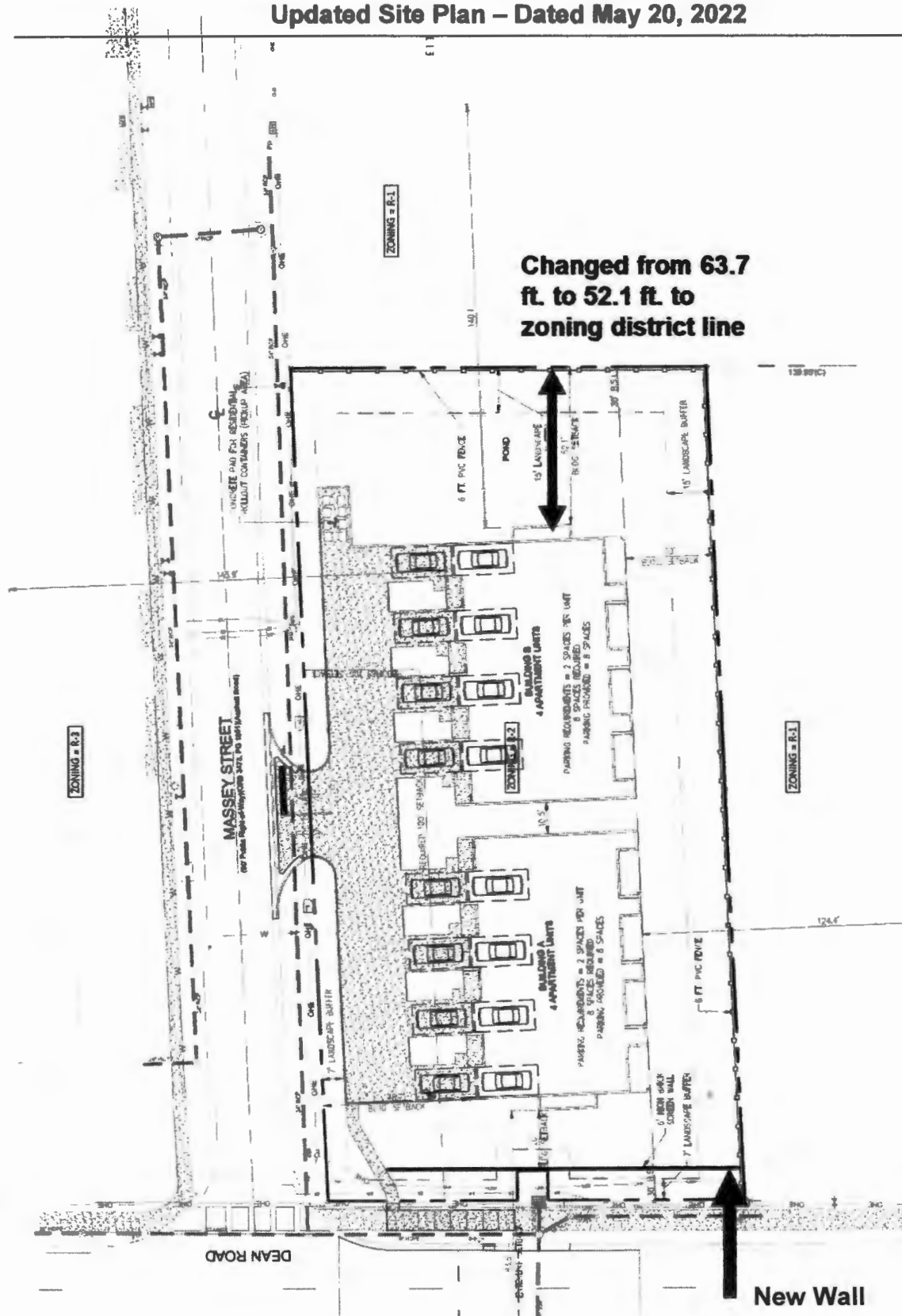
Jose Ramirez for Massey Street Apartments

BZA Case #SE-22-02-141, February 3, 2022; District 4

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 4.

**Changed from 63.7
ft. to 52.1 ft. to
zoning district line**



AND9CAPE CONTRACTOR NOTES:

THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING, IN FULL, ALL LANDSCAPE PLANTING AREAS, UNTIL THE JOB IS ACCEPTED IN FULL BY THE OWNER. "IN FULL" MEANS WATERING, PEST

TREE MITIGATION CALCULATIONS:
 EXISTING TREES TO REMOVE
 11' 45" OAK TREE
 96" DBH REMOVED

X THESE TO REMOVE (TYP.)



NORTH

[illegible]

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT**

July 26, 2022

The following is a public hearing before the Board of County Commissioners on July 26, 2022 at 2:00 p.m.

APPLICANT: JOSE RAMIREZ FOR MASSEY STREET APARTMENTS

REQUEST: Special Exception in the R-2 zoning district to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows: 52.1 ft. from the east property line in lieu of 100 ft.; 30 ft. from the south property line in lieu of 100 ft.

LOCATION: 10002 and 10014 Massey Street, Orlando, Florida 32825, southeast corner of Massey St. and N. Dean Rd., south of E. Colonial Dr.

TRACT SIZE: 0.86 acres

ZONING: R-2

DISTRICT: #4

PROPERTIES NOTIFIED: 417

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff described the proposal, including the location of the property, the site plan, the distance separation between the site and the surrounding single family uses and districts, and provided photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation of denial since there are other options to reconfigure the location of the improvements to minimize the impact to the surrounding 1 story, single-family residences. Staff noted that six (6) comments were received in opposition and none in support.

There was no one present to speak in favor or in opposition to the request.

The applicant presented and provided information regarding site layout and landscaping and described the rationale for the configuration as proposed.

The BZA discussed the proposal and felt that the buildings are compatible with the surrounding area, that the applicant had done the maximum possible to minimize the impact to the surrounding properties and recommended approval of the variance by a 5-1 vote, with one absent, subject to the five (5) conditions in the staff report.

BZA HEARING DECISION:

A motion was made by Roberta Walton Johnson, seconded by Juan Velez and carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions; (5 in favor, 1 opposed and 1 absent):

1. Development shall be in accordance with the site plan received December 22, 2021 and elevations received January 14, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of a building permit, the property owner shall combine parcels 20-22-31-0000-00-034 and 20-22-31-0000-00-028.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 03, 2022**

Commission District: **#4**

Case #: **SE-22-02-141**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSE RAMIREZ FOR MASSEY STREET APARTMENTS

OWNER(s): ADVANCED CONSTRUCTION WORKS INC.

REQUEST: Special Exception in the R-2 zoning district to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows: 63.7 ft. from the east property line in lieu of 100 ft.; 30 ft. from the south property line in lieu of 100 ft.

PROPERTY LOCATION: 10002 and 10014 Massey St., Orlando, Florida 32825, southeast corner of Massey St. and N. Dean Rd., south of E. Colonial Dr.

PARCEL ID: 20-22-31-0000-00-034 and 20-22-31-0000-00-028

LOT SIZE: +/- 0.86 acres (37,693 sq. ft.)

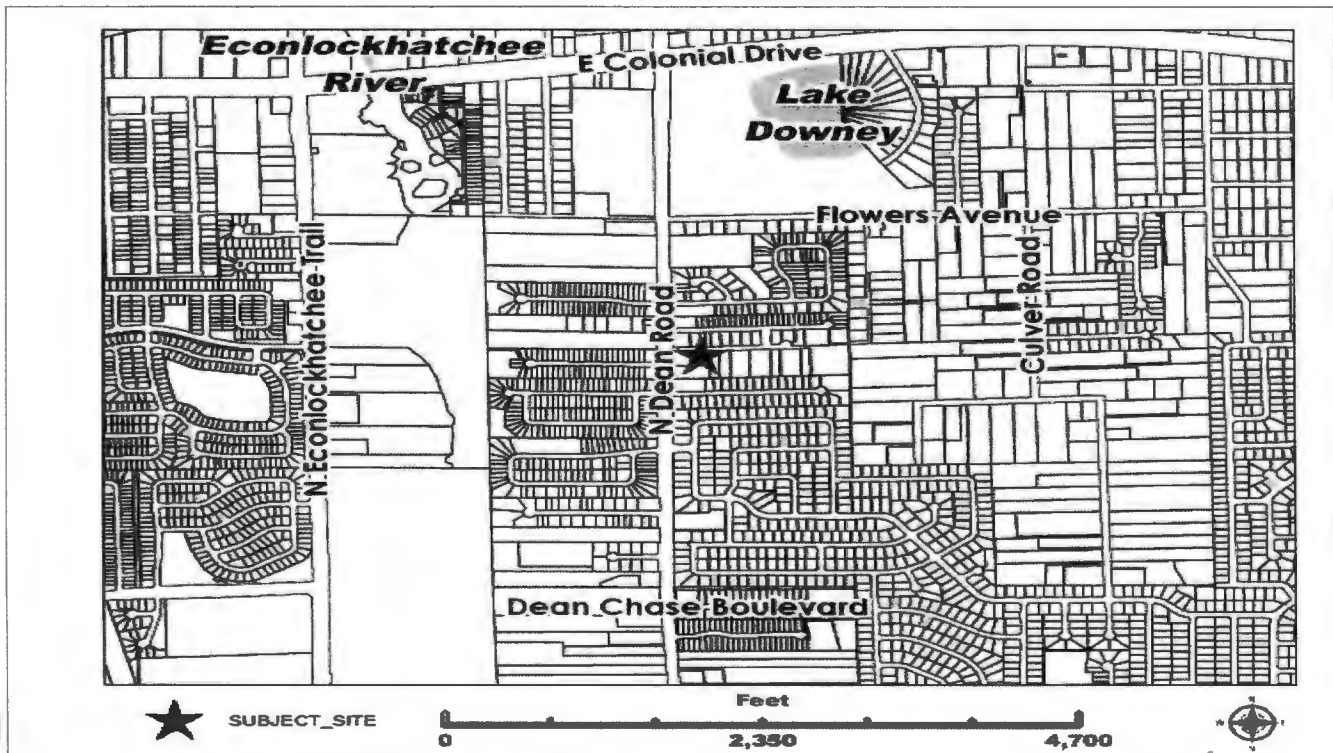
NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 417

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a special exception, staff recommends that the approval be subject to the conditions in this

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	R-3	R-1	R-1	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residential	Duplex	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Residential district, which allows single-family homes, duplexes, and multi-family development. The future land use is Low-Medium Density Residential, which is consistent with the zoning district.

The subject property is 37,693 sq. ft. in size, and is currently vacant. It is a corner lot, with right-of-way frontage on both N. Dean Road and Massey Street. The area consists of one-story single-family homes in the immediate vicinity, one-story duplexes directly to the north across Massey Street, and some vacant lots and pond tracts. The property was purchased by the current owner in 2020.

Proposed is an 8-unit, two-story multi-family development, consisting of 2 multi-family buildings and a total of 16 parking spaces. The end units are proposed to be 2,175 sq. ft. in size and the middle units are proposed to be 2,157 sq. ft. in size. All units will contain 3 bedrooms and 2.5 bathrooms. Vehicular access to the site will be provided from Massey Street to the north, and a sidewalk connection to the west is being proposed to N. Dean Road. The proposed landscaping plan for the project will provide a landscape buffer with canopy trees and shrubs along the perimeter, meeting code. There are two large trees existing on site, one Oak tree and one Pine tree, both are proposed to be removed, which is subject to Chapter 15 of the Orange County Code.

The buildings are proposed to be a minimum of 26.4 ft. from the west property line, 30 ft. from the south property line, 63.7 ft. from the east property line, and 50 ft. from the north property line, meeting the setback requirements. Orange County Code requires special exception approval for multi-family residential buildings in excess of one-story less than 100 ft. from any single-family district and use (including duplexes). To the north is a multi-family zoning district, that has one-story duplexes, so while the 100 ft. separation does not apply to the district boundary, it would apply to the actual buildings/use. There are single-family properties and uses located to the west, however, these uses are over 100 feet away, across N. Dean Road from the proposed multi-family buildings. The proposed separations are provided in the table below.

Multi-Family building distances from single family district or use:

	Zoning District Type	Current Use	Distance from Zoning District Boundary	Distance from Use
North	Multiple-Family District	Duplex	N/A	148 feet
South	Single-Family District	Single-Family	30 feet	124.4 feet
East	Single-Family District	Single-Family	63.7 feet	152.1 feet

The parking requirements for the development:

Unit Type	Parking Requirement	Number of Units Provided	Required # of Spaces	Provided # of Spaces
3 units or more with 2 and 3 bedrooms	2 spaces/unit	8	16	16

Based upon the above unit count, the total parking spaces required is 16 parking spaces. The applicant is proposing a one car garage and driveway for each unit, for a total of 16 spaces, which meets the requirement.

Transportation Planning indicated that the reduced separation from single-family residential subject to this Special Exception request will not have an impact on the roadway network within the project's impact area.

A virtual Community Meeting hosted by the applicant team was held on January 20, 2022. A total of 7 residents attended; the District Commissioner and County staff were also in attendance. The response was generally negative, with community concerns related to the removal of trees on-site, infrastructure and public safety resources, school capacity, parking and traffic, and privacy related to the two-story product. As of the date of this report, no comments have been received in favor of this request, and three (3) comments have been received in opposition.

It should be noted that staff is recommending denial, because though some of the special exception criteria are met, there are ways to increase the requested distance separation and between the intrusion to the surrounding area. If the multi-family buildings were pulled up to the side street setback along Massey Street, it would still be located over 100 feet from the duplexes across Massey Street, but would increase the separation between the multi-family buildings and single-family uses to the south, reducing the requested distance separation the special exception.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft., limited to 1-story within 100 ft. of single-family zoned property or use	32.75 ft. (2-story/Special Exception)

Min. Lot Width:	85 ft.	138.8 ft.
Min. Lot Size:	15,000 sq. ft.	37,693 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front (N. Dean Rd.):	20 ft.	26.4 ft. (west)
Rear:	30 ft.	63.7 ft. (east- Special Exception)
Side:	30 ft.	30 ft. (south – Special Exception)
Side Street (Massey St.):	15 ft.	50 ft. (north)
Major Street	60 ft. building (from street centerline) 55 ft. parking area (from street centerline)	86.4 ft. 67 ft.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Future Land Use is Low Medium Density Residential and with approval of the special exception, the project will be consistent with the Comprehensive Plan. The Future Land Use allows for a density of 10 dwelling units per acre and the Orange County Comprehensive Plan encourages infill development. The applicant is proposing 8 units on an 0.86 acre site, which is a compliant density of approximately 9.3 dwelling units per acre.

Similar and Compatible with the Surrounding Area

The scale and massing of the proposed buildings are designed to be similar to the scale and massing of a single-family home. However, the abutting properties are all one-story single-family dwellings and the proposed multi-family structures are two-story, 4-unit buildings.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

The development as proposed will act as a detrimental intrusion into the surrounding area. The site plan and multi-family buildings could have been designed in a way that located the structures further away from the single-family dwellings and provided a greater separation between the districts and uses which prompted the need for the Special Exception, and which would lessen the impact of the proposed development on the adjacent single family. A rear-loaded product would allow the buildings to be pulled closer to the street and provide further separation between the single family uses and districts, in addition to better site maneuverability and connectivity.

Meet the performance standards of the district

The development as proposed will meet the performance standards of the district.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

The characteristics and impacts of the multi-family residential development, as designed is consistent with the surrounding uses in the area.

Landscape Buffer Yards Shall be in Accordance With Section 24-5 of the Orange County Code

The applicant has provided a landscaping plan which addresses perimeter landscaping in compliance with Section 24-5 of Orange County Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received December 22, 2021 and elevations received January 14, 2022 subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
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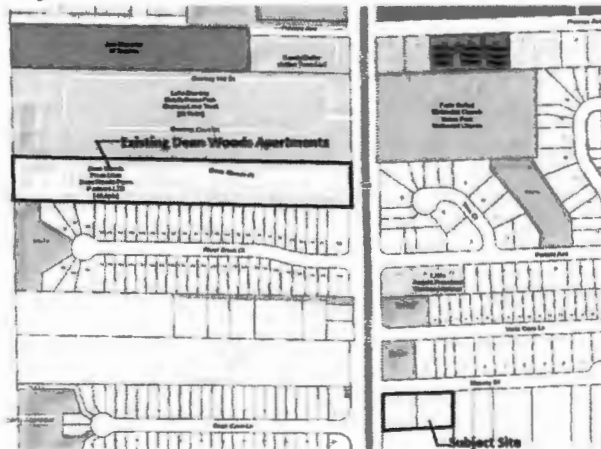
C: Jose Ramirez
29 Cardamon Dr.
Orlando, FL 32825

COVER LETTER

Special Exception Criteria – Massey Street Apartments

This special exception request is submitted in order to construct a building in a R-2 zoning district that is two story in height, adjacent to single family homes within the R-1 zoning district.

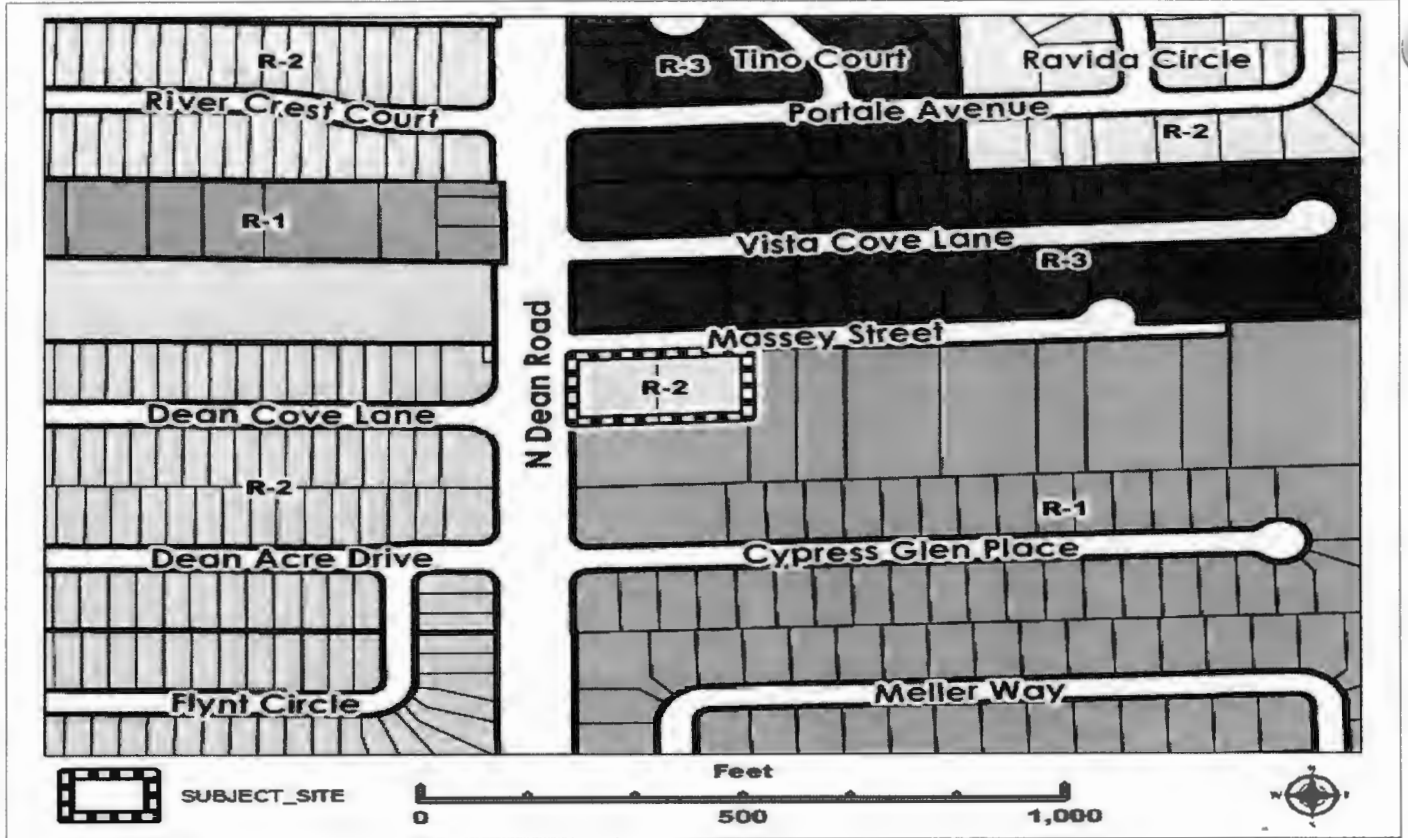
- 1) The future land use designation for the subject site is LMDR which includes the R-2 zoning category and allows up to 10 DU/Acre. The subject development is located within the R-2 zoning district and is proposing a density of 9.1 DU/Acre. The project site is also located within the urban service area. The project will further the goal of FLU8.2.2 which states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted. UD1.5.10 states that projects are encouraged to provide a stormwater management system that is designed to be aesthetic in nature. The pond has been designed with dense vegetation which not only meets the objective but also provides greater buffering between the proposed building and the neighboring single family homes.
- 2) The requested use will be similar to another nearby two story apartment project, located within the R-2 zoning district. The map below depicts the location of the Dean Woods apartment development. This is a two story apartment development that is located approximately 500-600 feet north of the subject site. Also, in order to be compatible with the surrounding area, the site has been designed with a stormwater retention area between the building and the property line on both the south and east property lines. This will provide greater separation/buffer between the building and the affected property lines. This greater separation between the building and the affected property lines will serve to buffer the single family residential properties that are adjacent to the subject site.



COVER LETTER

- 3) The proposed use will not act as a detrimental intrusion into the surrounding area. In order to buffer the proposed site from the adjacent single family residential property, the site has been designed with the stormwater management pond between the building and the southern and eastern property boundaries. The building is set 30 ft from the southern property line and 64 ft from the eastern property line. Both the eastern and southern landscape buffers will contain dense vegetation and we are also proposing a 6 ft high PVC fence, along both of these property lines.
- 4) All performance standards for the R-2 Zoning district have been met or exceeded with the proposed plan.
- 5) The proposed use will not generate any additional noise as the project will utilize residential rollout refuse containers, instead of a dumpster enclosure as this tends to contribute to additional noise for an apartment project. The project will also generate no vibration, dust or odor that would be offensive to the surrounding property owners. The lighting for the project will meet all Orange County standards and will not be permitted to spill onto adjacent properties. The project is also proposing concrete pavement which will reduce the heat producing effects of asphalt pavement.
- 6) The landscape buffers proposed for this project exceed the requirements of Section 24-5 of the Orange County code. The buffers along the southern and eastern property lines have been increased in density in order to further buffer the proposed buildings from the adjacent single family residential properties.

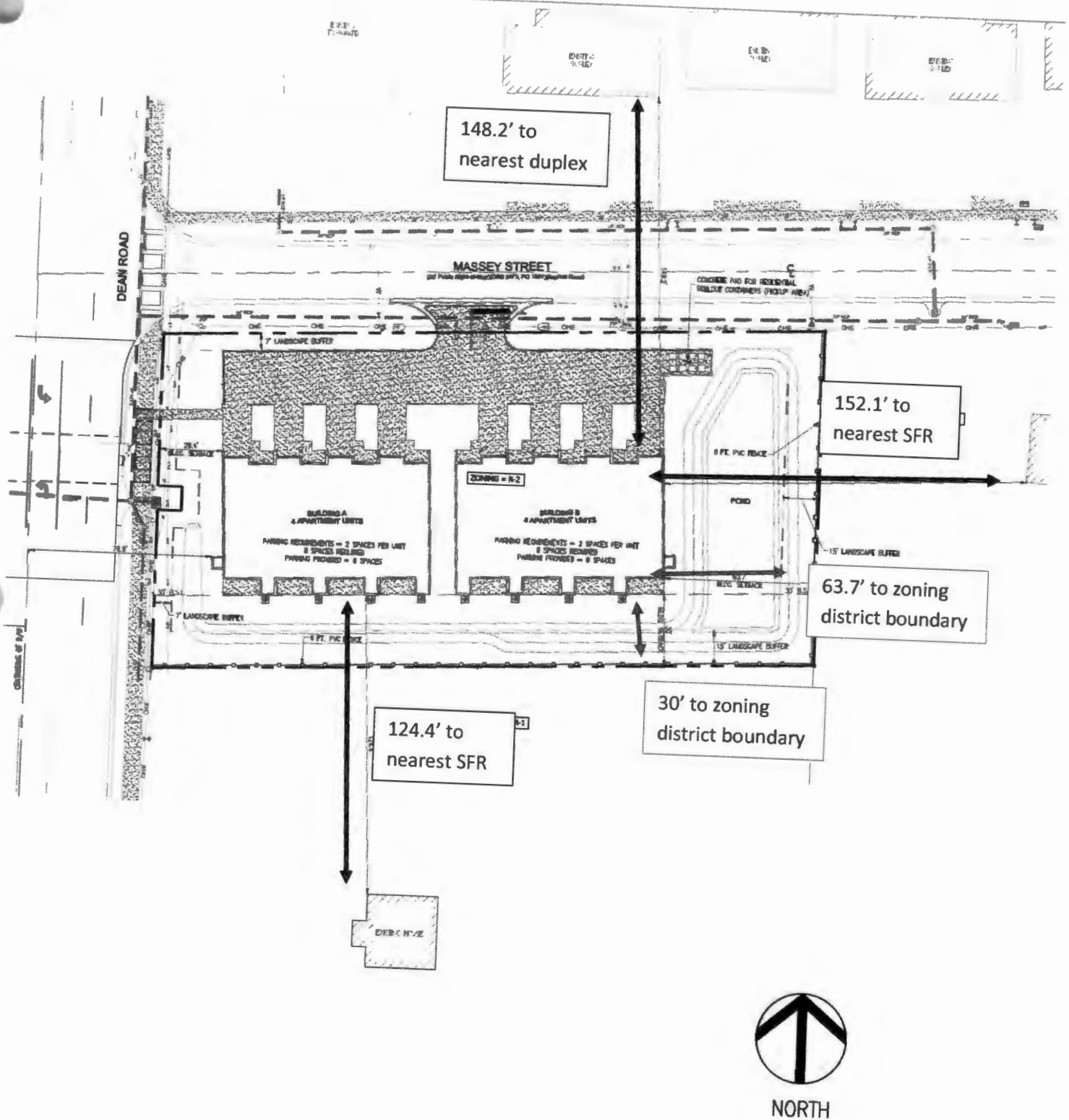
ZONING MAP



AERIAL MAP



SITE PLAN

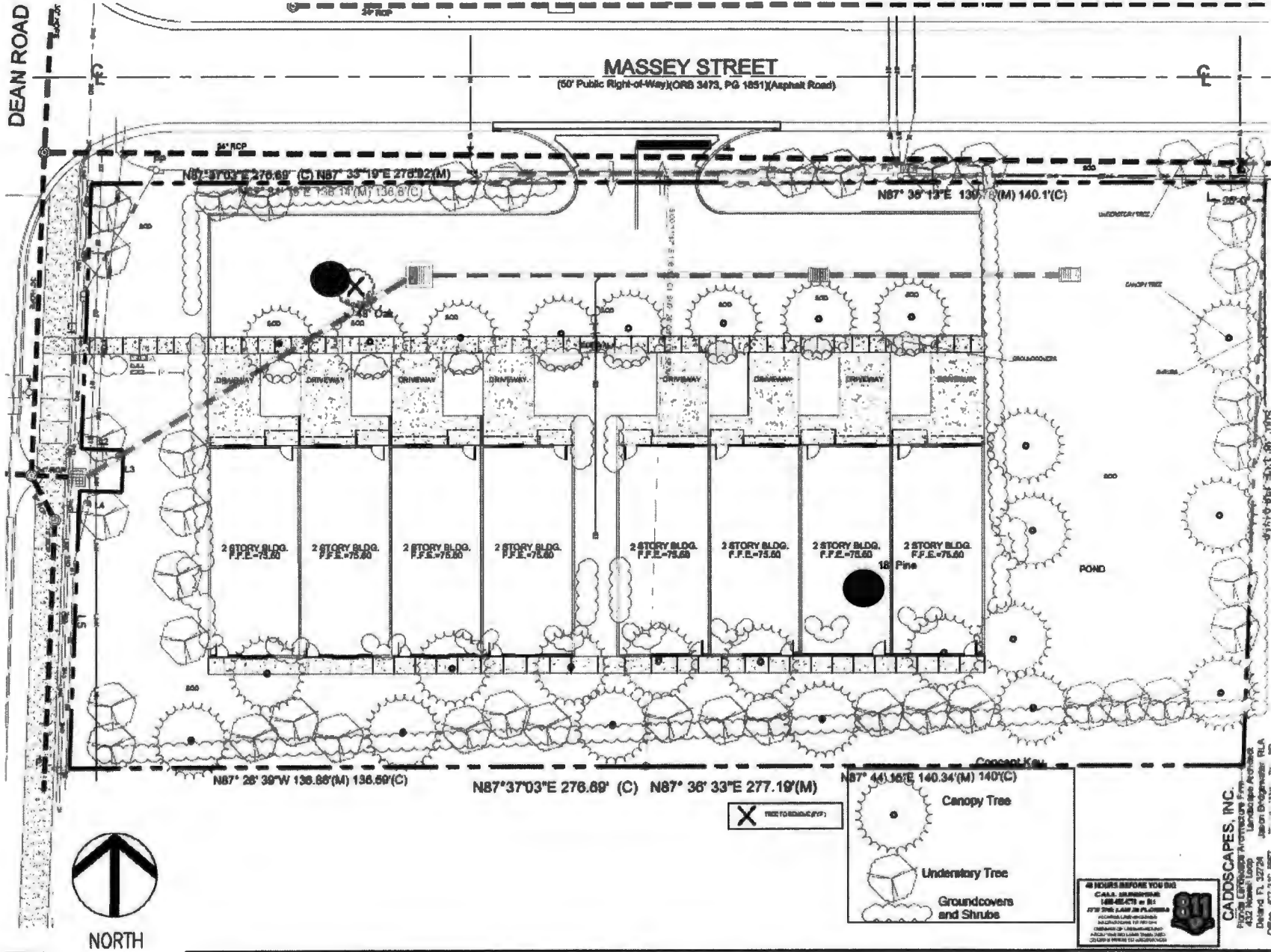


DEAN ROAD

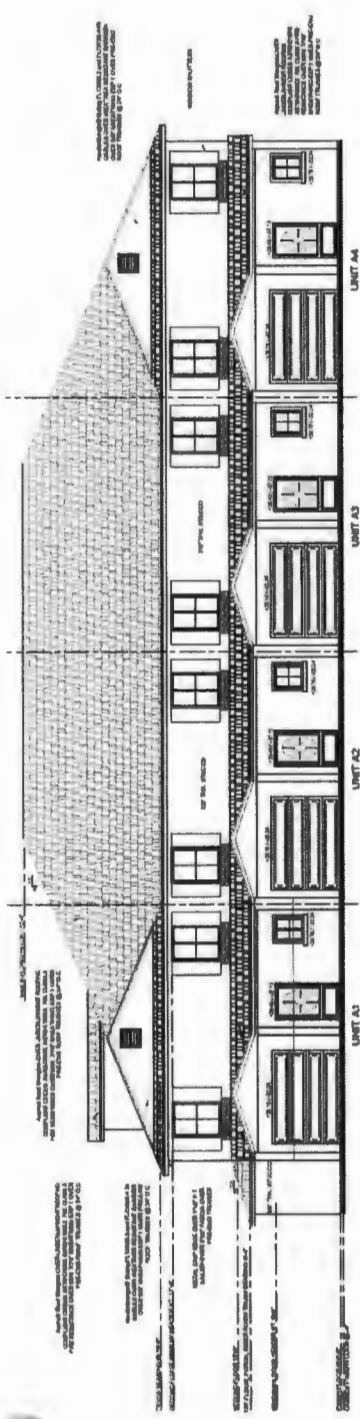
MASSEY STREET
(50' Public Right-of-Way)(ORB 3473, PG 1851)(Asphalt Road)

LANDSCAPE PLAN

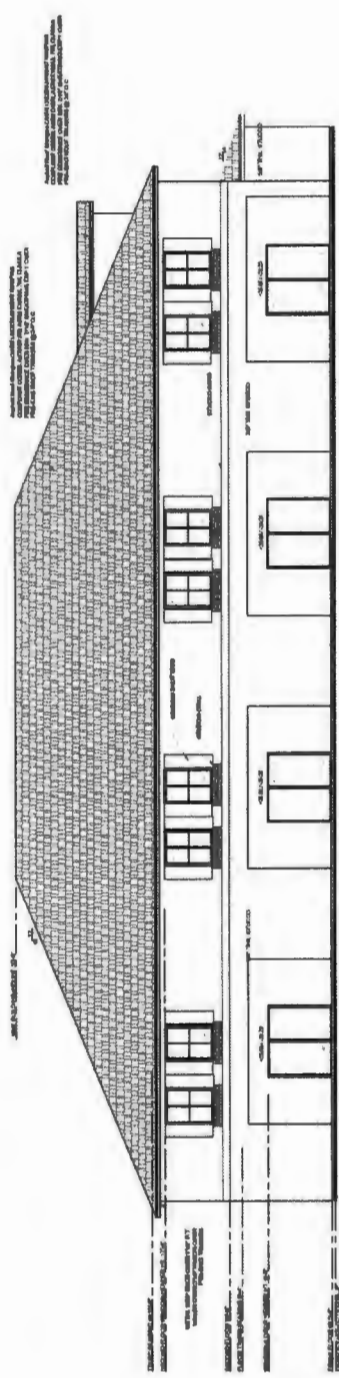
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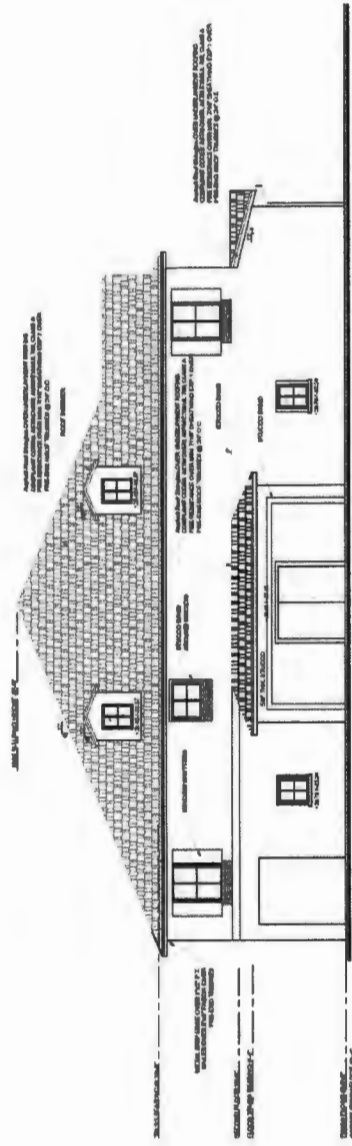
BUILDING "A" ELEVATIONS



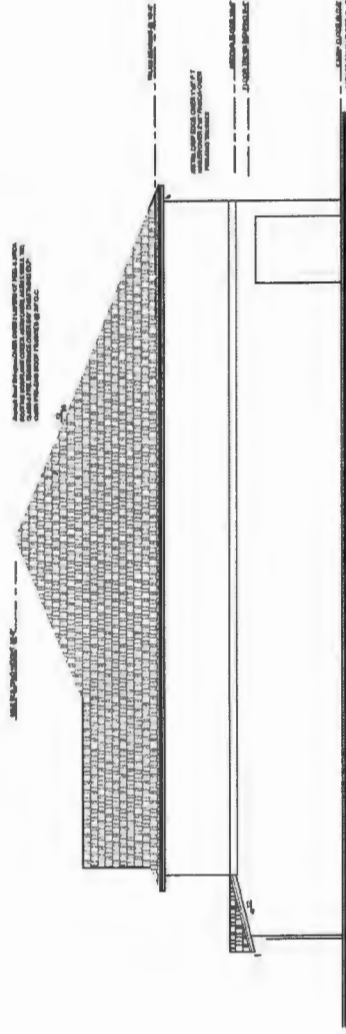
BUILDING "A" NORTH ELEVATION
 1/4" = 1'-0"



BUILDING "A" SOUTH ELEVATION
 1/4" = 1'-0"

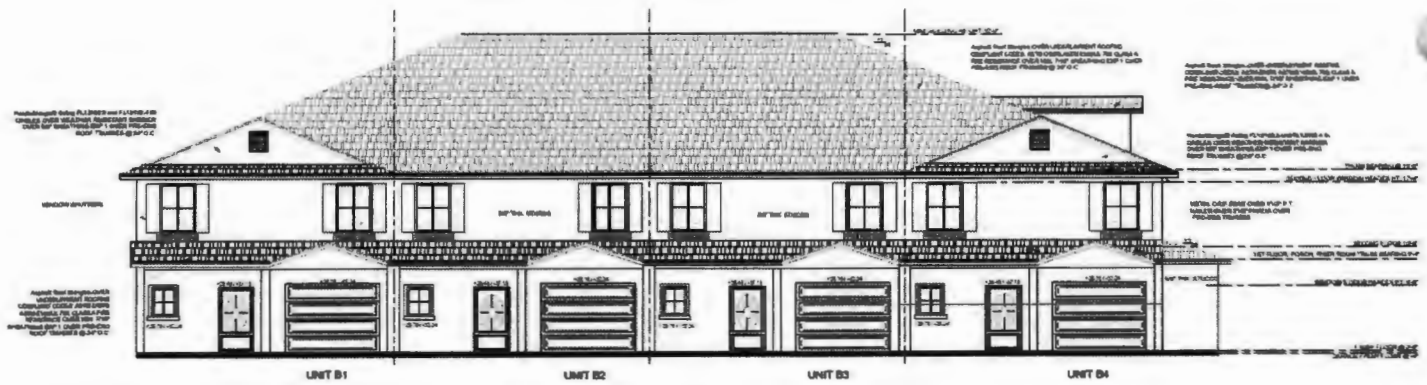


BUILDING "A" EAST ELEVATION
 1/4" = 1'-0"

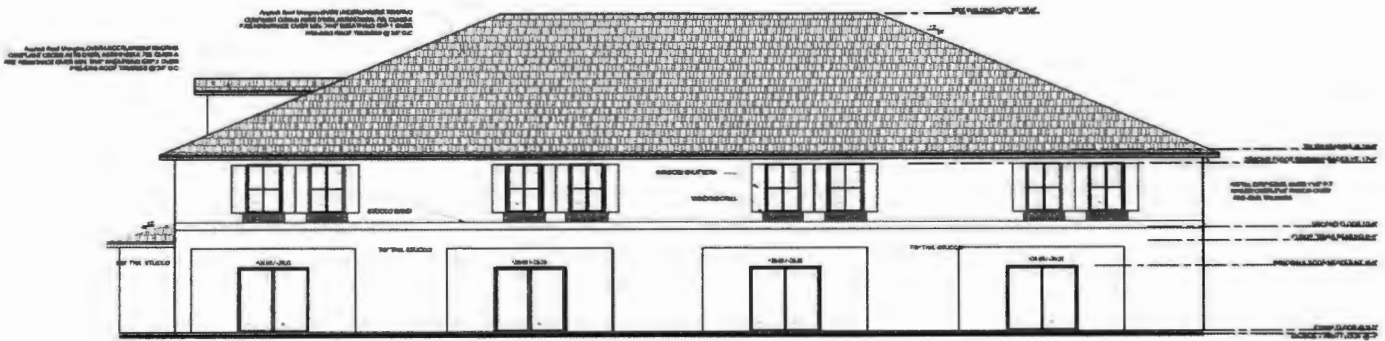


BUILDING "A" WEST ELEVATION
 1/4" = 1'-0"

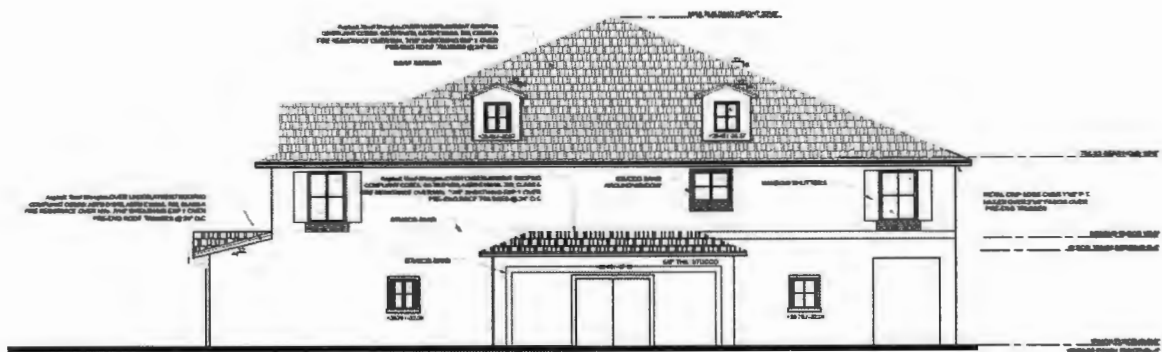
BUILDING "B" ELEVATIONS



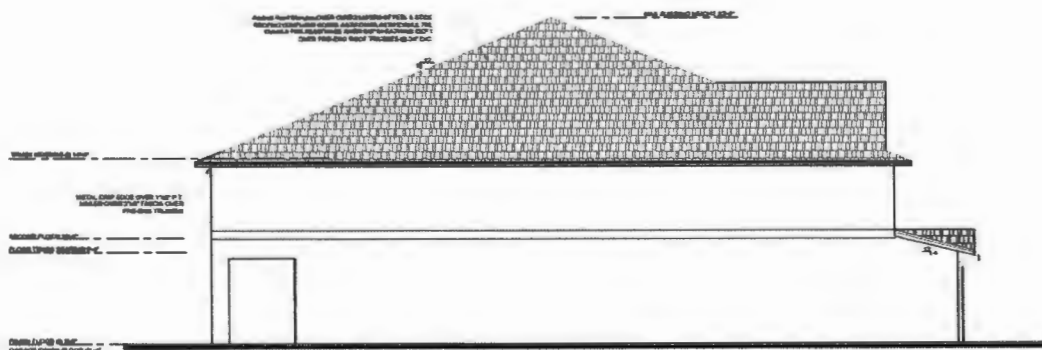
BUILDING "B" NORTH ELEVATION



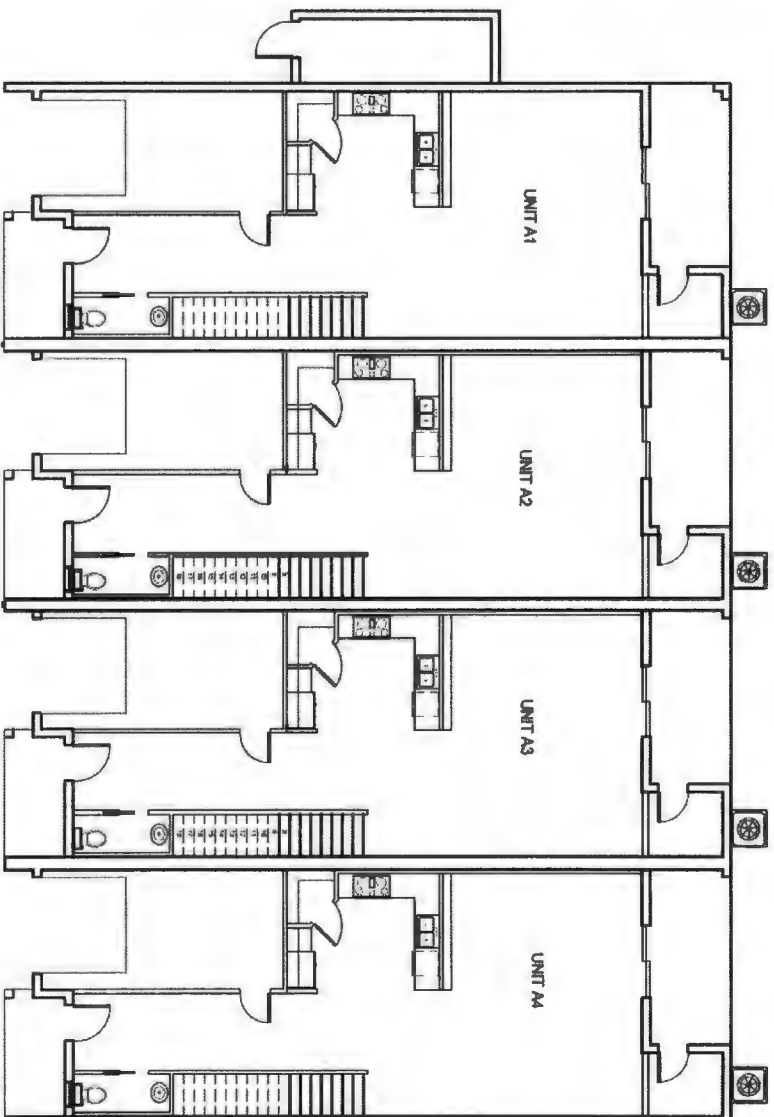
BUILDING "B" SOUTH ELEVATION



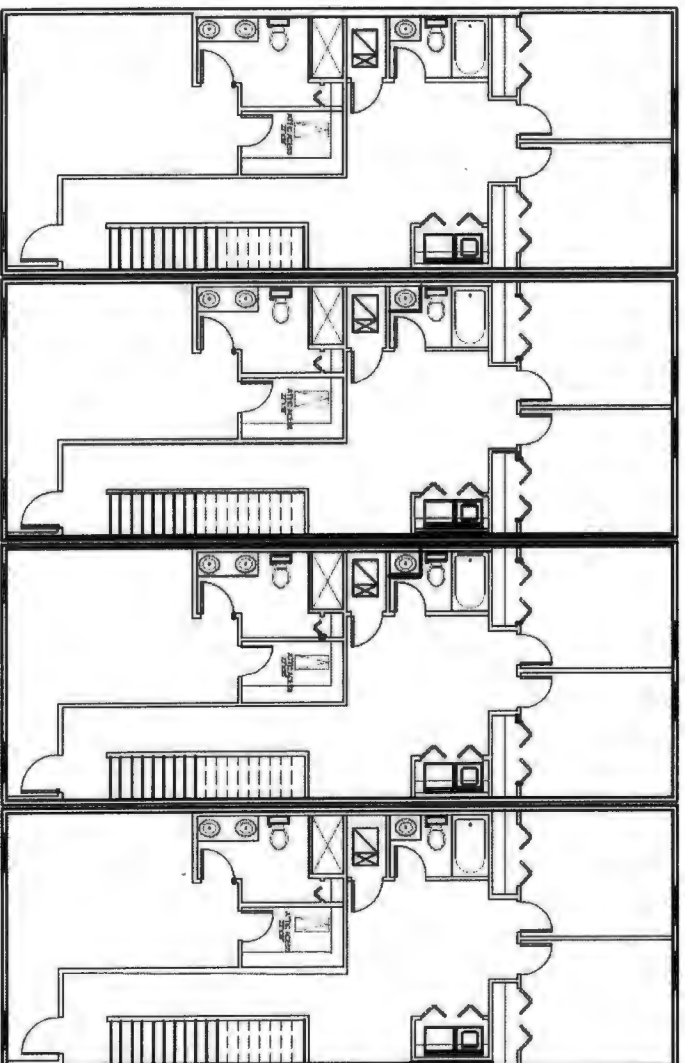
BUILDING "B" WEST ELEVATION



BUILDING "A" FLOOR PLANS

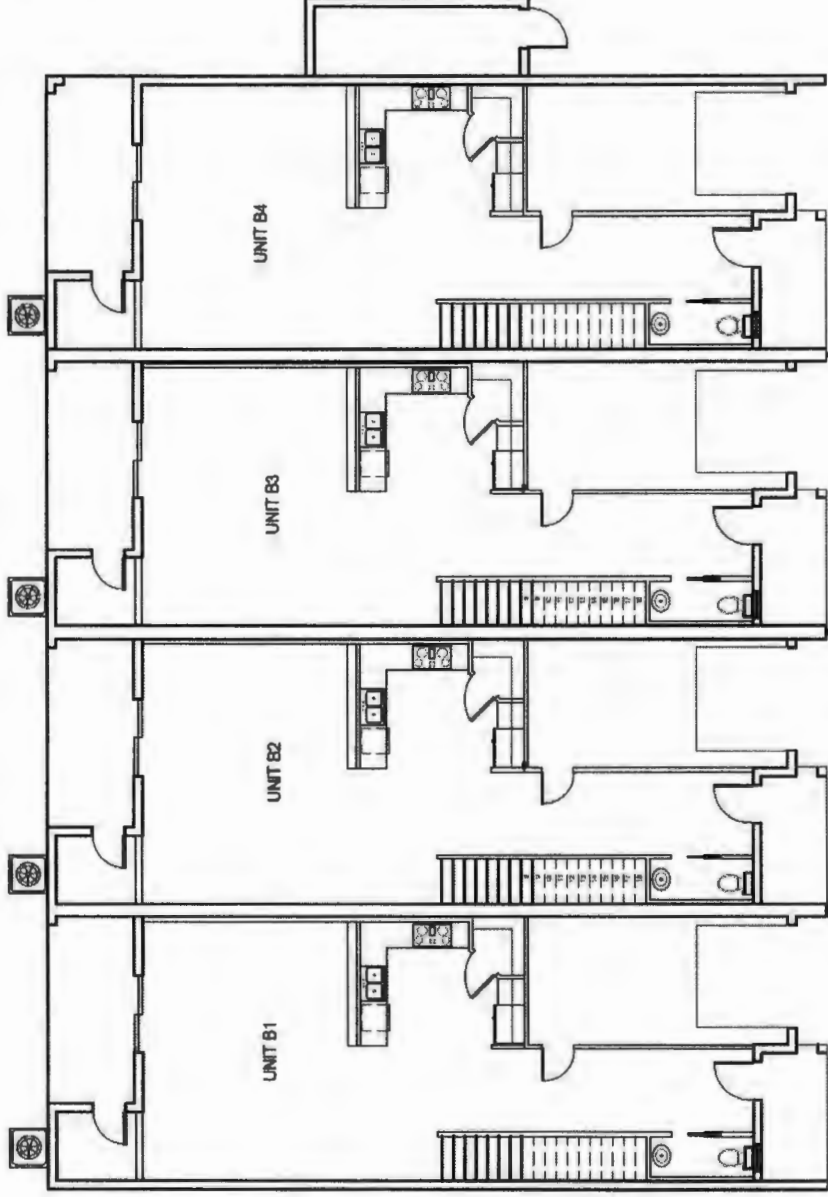


Building "A" First Floor

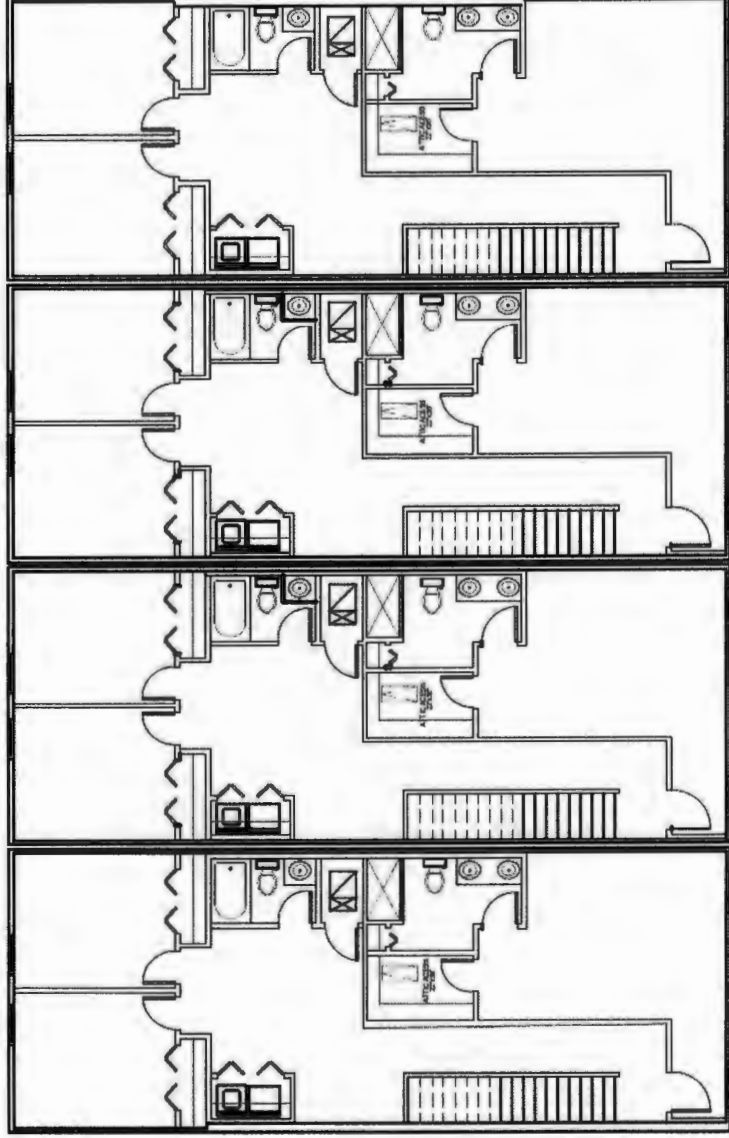


Building "A" Second Floor

BUILDING "B" FLOOR PLANS



Building "B" First Floor



Building "B" Second Floor

SITE PHOTOS



Facing south from Massey St. side of subject property



Front, facing east from across N. Dean Rd.

SITE PHOTOS



Rear of the property, facing Duplexes to the north



Subject property facing south