



PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

OCTOBER 19, 2017



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



James Dunn Vice-Chairperson	District #1
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William Gusler	District #2
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Tina Demostene	District #3
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Pat DiVecchio	District #4
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J. Gordon Spears	District #5
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JaJa J. Wade Chairperson	District #6
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Paul Wean	At Large
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Yog Melwani	At Large
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Jose Cantero	At Large
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Planning and Zoning Commission

October 19, 2017

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REZONING PUBLIC HEARINGS

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TABLE OF HEARINGS
Planning and Zoning Commission
October 19, 2017

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-17-10-037 Annie Williams	<i>R-2 to R-T-1</i>	4	Approval	Approval	No
RZ-17-10-038 William Joseph	<i>A-1 to R-1</i>	1	Approval	Approval	No
RZ-17-10-040 Angela McMahan	<i>A-2 to I-1 / I-5</i>	3	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-17-10-041 James Johnston	<i>C-1 to C-2</i>	2	<i>Continue to November 16 PZC Hearing</i>	<i>Continue to November 16 PZC Hearing</i>	No
RZ-17-01-002 Robert Ortega	<i>R-1A to R-1</i>	2	Approval	Approval	No

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

<i>District</i>	<i>Min. lot area (sq. ft.) m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) a</i>	<i>Min. rear yard (ft.) a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	a
	Two DUs, 8,000	500 per DU	80/90 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	a
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories k	a
	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 k	a
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 k	a
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	a
	Two DUs, 11,250	500 per DU	80 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	a
	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 k	a
NC	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 k	a
	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 k	a
	One-family dwelling, 4,500	1,000	45 c	20	20	5	35/3 stories k	a
	Two DUs, 8,000	500 per DU	80 d	20	20	5	35/3 stories k	a
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories k	a
P-O	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 k	a
	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 k	a
	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	a
	6,000	500	80 on major streets (see Art. XV); 60 for all other streets e; 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	a

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), industrial-restricted (I-1A) and multi-family 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 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:
Danalee Petyk

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 19, 2017

CASE # RZ-17-10-037

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Annie Williams
OWNER	Annie Williams
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District)
LOCATION	314 Pine Street; or generally on the south side of Pine Street, approximately 570 feet west of Boyce Avenue.
PARCEL ID NUMBERS	36-23-29-8228-50-305
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred seventy (170) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.41 gross acres
PROPOSED USE	One (1) mobile home

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is compatible with the adjacent residential neighborhood 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) which allows consideration of up to ten (10)

residential dwelling units per developable acre. The requested R-T-1 (Mobile Home Subdivision District) zoning is consistent with the LMDR FLUM designation and the following CP 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.

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 Residential
Adjacent Zoning	N: R-2 (Residential District) (1971)
	E: R-2 (Residential District) (1971)
	W: R-2 (Residential District) (1971)
	S: R-T-1 (Mobile Home Subdivision District) (1974)
Adjacent Land Uses	N: Single-Family Residential
	E: Single-Family Residential

W: Undeveloped Residential

S: Manufactured Home

R-T-1 (Mobile Home Subdivision District) Development Standards

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
Front:	25 / 20 ft.
Rear:	25 / 20 ft.
Side:	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

The R-T-1 (Mobile Home Subdivision District) zoning district is composed of lands and structures where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

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 undeveloped property is located at 314 Pine Street; or generally on the south side of Pine Street, approximately 570 feet west of Boyce Avenue. The subject property contains 0.41 gross acres and is currently undeveloped.

Through this request, the applicant is seeking to rezone the subject parcel from R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District) with the intent to develop the property with one (1) mobile home.

The surrounding neighborhood can be characterized as having small platted lots with conventional single-family residential dwelling units and manufactured homes. Directly south of the property are lots with the R-T-1 zoning designation with R-T-2 zoning further south. As the Comprehensive Plan encourages a mixture of lot types and sizes, and the immediate area of the subject property has a variety of single-family residential lot types, the proposed rezoning would be compatible with the existing development pattern.

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.

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

Environmental Protection Division (EPD) staff reviewed the request and has provided the following comments:

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

The site discharges into Boggy Creek, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: fecal coliform). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of a Basin Management Action Plan (BMAP).

Use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Transportation / Access

Orange County Transportation Planning Staff has reviewed the request and has determined the proposed rezoning request would not generate any new trips and will not impact the surrounding roadway network.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Taft Water Association
Wastewater:	Orange County (<i>not currently available</i>)
Reclaim Water:	Orange County (<i>not currently available</i>)

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered *de minimis* and therefore exempt from capacity review.

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 19, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision 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-T-1 (Mobile Home Subdivision District) zoning with no restrictions.

Staff indicated that one hundred seventy (170) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with three (3) commentaries received in opposition of the request and one (1) in support. The

applicant was present and agreed with the staff recommendation of approval. One member of the public was present to speak in favor of the proposed request.

Following limited discussion about the potential for the property to be further split, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-T-1 (Mobile Home Subdivision District) zoning district. Commissioner Dunn seconded the motion, which was then carried on a 9-0 vote.

Motion / Second

Pat DiVecchio / James Dunn

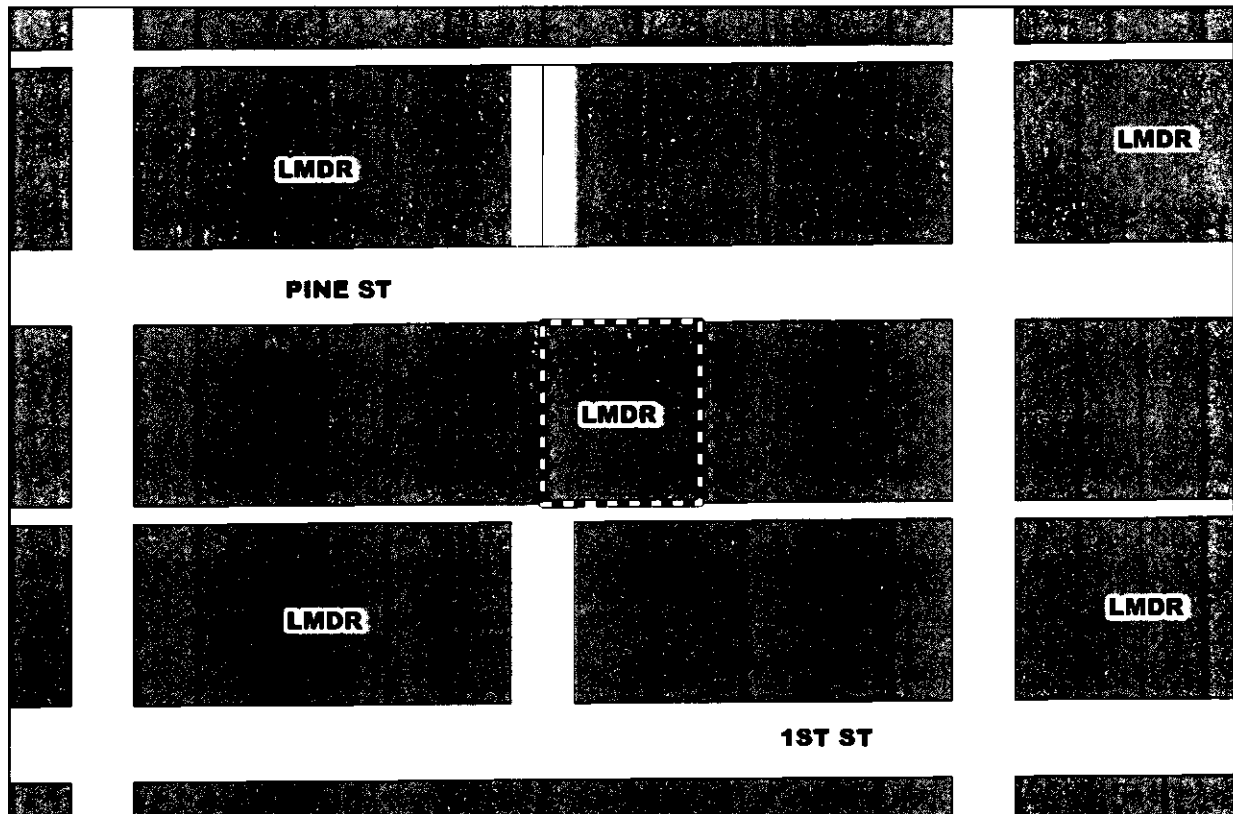
Voting in Favor

Pat DiVecchio, James Dunn, Jose Cantero, William Gusler, JaJa Wade, Tina Demostene, Paul Wean, Gordon Spears, and Yog Melwani

Absent

None

RZ-17-10-037



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Annie Williams

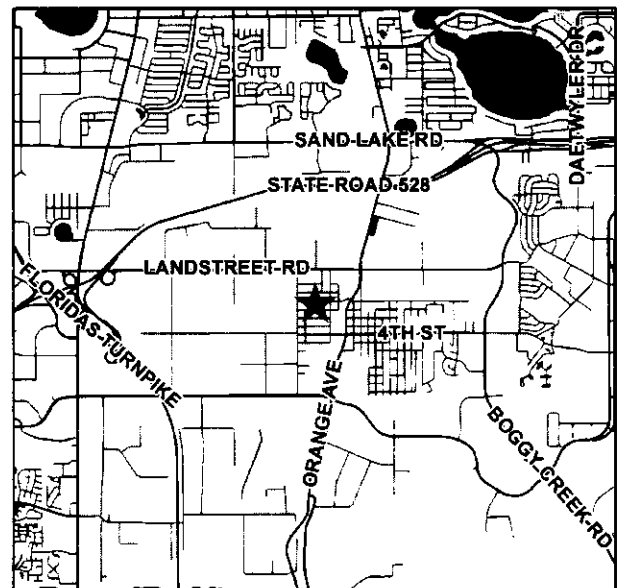
LOCATION: 314 Pine Street; or generally on the south side of Pine Street, approximately 570 feet west of Boyce Avenue

TRACT SIZE: 0.41-gross acre

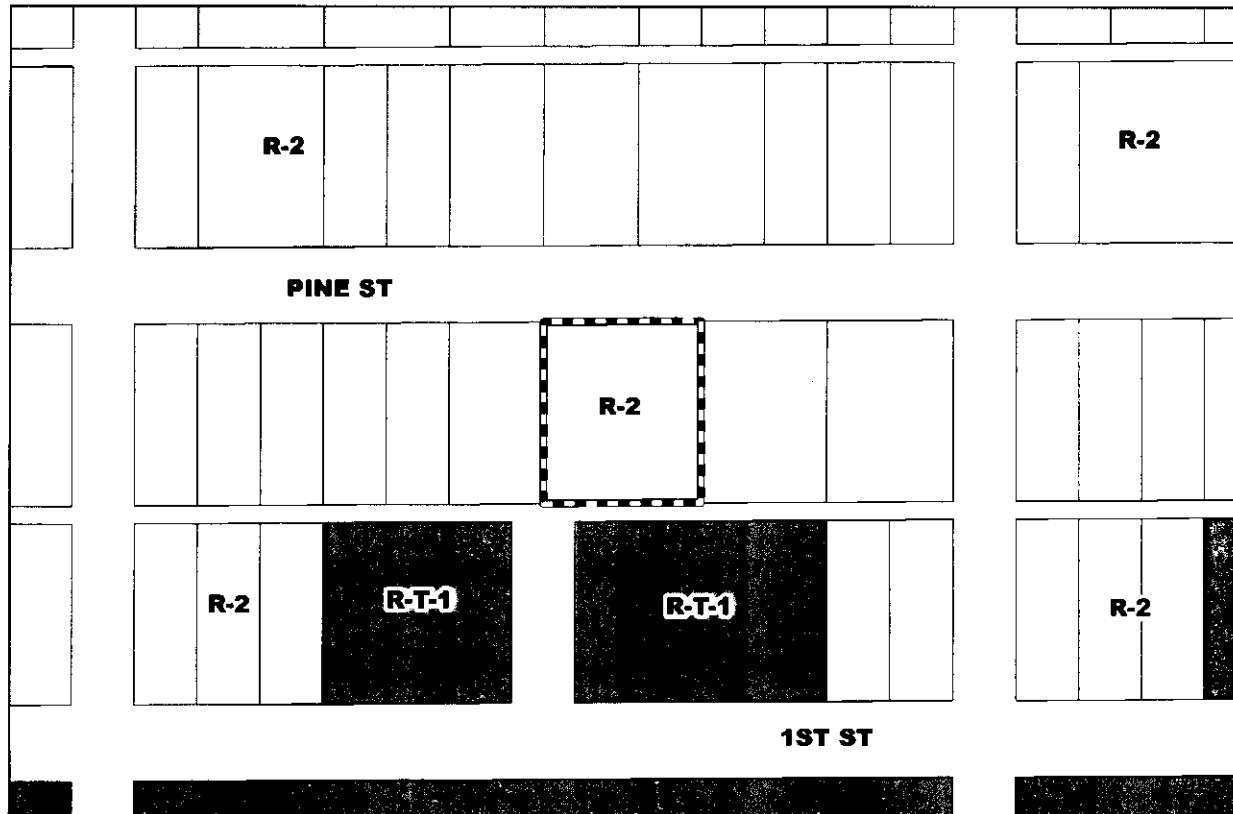
DISTRICT: # 4

S/T/R: 36/23/29

1 inch = 125 feet



RZ-17-10-037



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Annie Williams

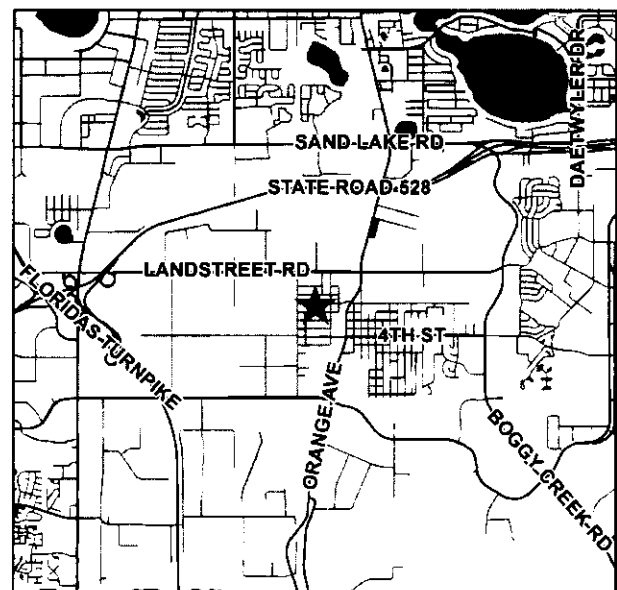
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 west of Boyce Avenue

TRACT SIZE: 0.41-gross acre

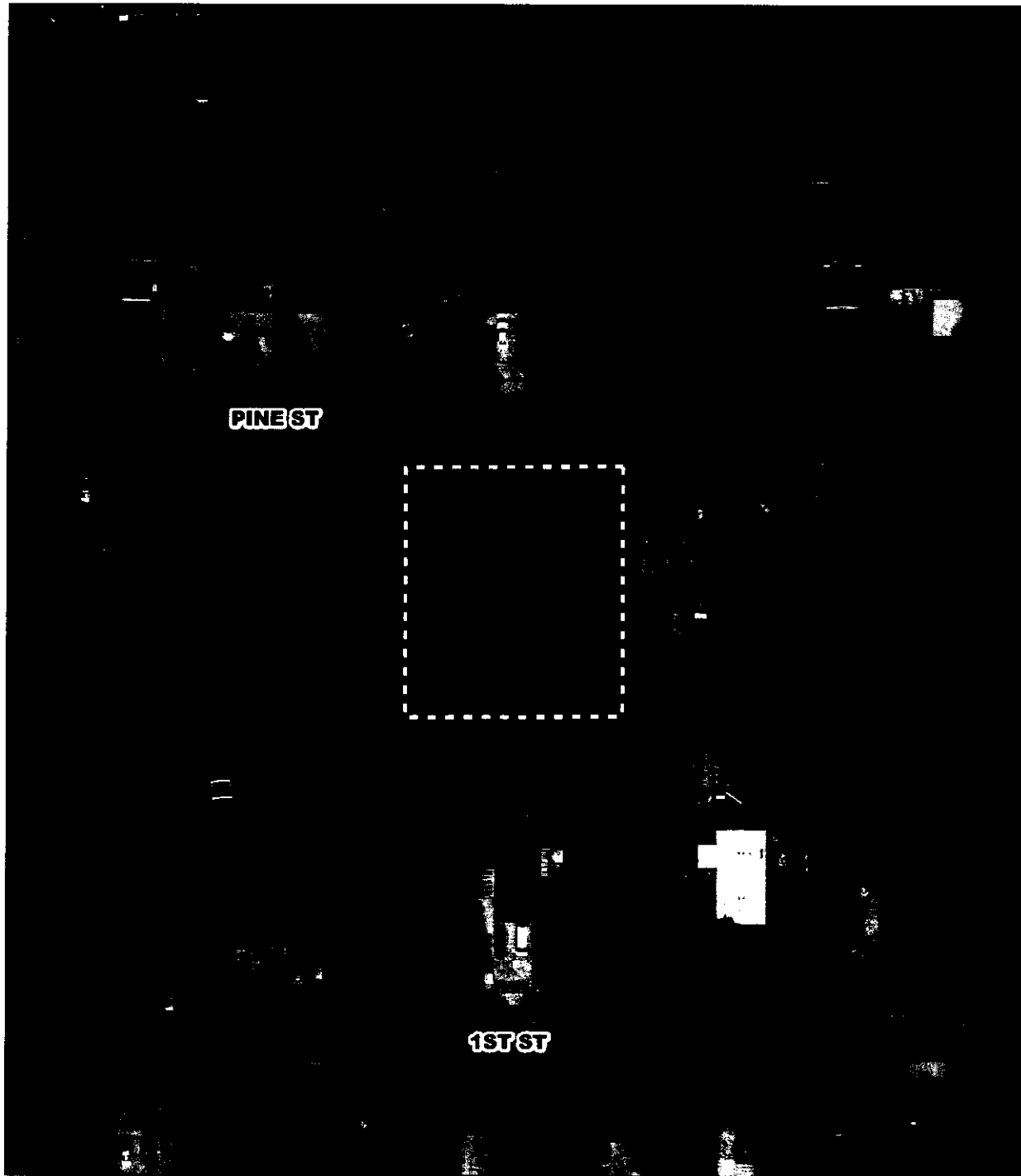
DISTRICT: # 4

S/T/R: 36/23/29

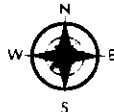
1 inch = 125 feet



RZ-17-10-037



Subject Property



1 inch = 75 feet



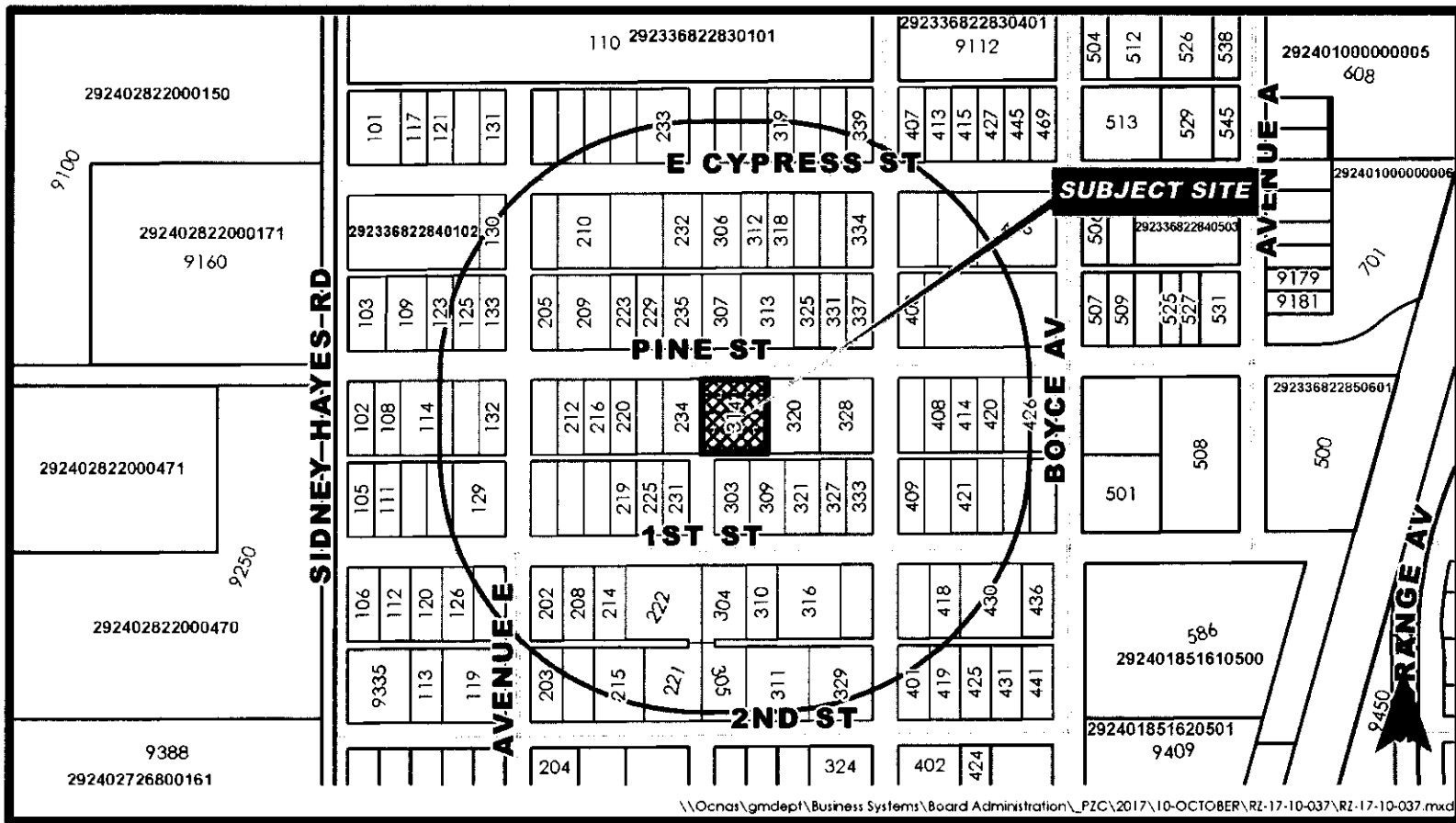
Public Notification Map

RZ-17-10-037

500 FT BUFFER, 170 NOTICES

Case Planner:
Danalee Petyk

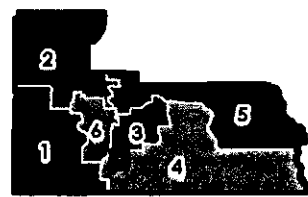
Case # RZ-17-10-037
Orange County Planning Division
PZC Hearing Date: October 19, 2017



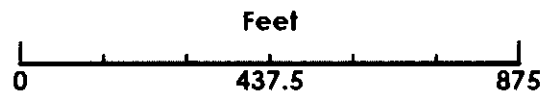
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MAP LEGEND

- SUBJECT
- PARCELS
- 500_FT_BUFFER
- NOTIFIED_PARCELS
- COURTESY_NOTICES



1 inch = 271 feet



Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 19, 2017

CASE # RZ-17-10-038

Commission District: # 1

GENERAL INFORMATION

APPLICANT	William Joseph
OWNER	W. Joseph Properties, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	3741 Broadway Street; or generally on the north side of Broadway Street, approximately 280 feet west of Hempel Avenue
PARCEL ID NUMBER	28-22-28-6689-26-100
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two hundred sixty-six (266) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.30-gross acre
PROPOSED USE	Two (2) single-family detached dwelling units (one per lot, pending approved lot split)

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the Low 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.

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	Single-Family Detached Dwelling
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957)
	E: A-1 (Citrus Rural District) (1957)

Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

W: A-1 (Citrus Rural District) (1957)

S: R-1A (Single-Family Dwelling District) (1988)

Adjacent Land Uses N: Single-Family Residential

E: Undeveloped Residential

W: Single-Family Residential

S: Single-Family Residential

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

* 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 3741 Broadway Street; or generally on the north side of Broadway Street, approximately 280 feet west of Hempel Avenue. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed in 1955.

The subject parcel was originally platted as two 50' x 132.5' lots (Lots 10 and 11, Block 26) within the Park Ridge subdivision. The plat for the Park Ridge Subdivision was recorded on May 1, 1926. 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 A-1, there are many developed 50' wide lots that still exist, despite A-1 zoning not permitting 50' wide lots.

Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

Through this request, the applicant is seeking to rezone the subject parcel from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District), with the intent to formally split the existing parcel into two parcels that would face Broadway Street as originally platted, and build a single-family detached dwelling on each resulting parcel.

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.

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

There are no wetlands on this site. The applicant has been advised to use caution to prevent erosion during construction along the boundary of the property into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Transportation / Access

The proposed rezoning and approval to construct two single family homes will generate 2 PM peak hour trips. Based on the Concurrency Management System database dated September 13, 2017, there are no failing roadways within a 2.5 mile radius of the subject parcel and the trips generated by the proposed dwelling units will not result in any impacts to the area roadways.

Code Enforcement

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

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities	A 6-inch water main is located within the Broadway Street right-of-way.
Wastewater:	Orange County Utilities	There are no wastewater mains located in the area.
Reclaim Water:	Orange County Utilities	There are no reclaim water mains located in the area.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it is considered "de minimis" and therefore exempt from capacity review.

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 19, 2017)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that two hundred sixty-six (266) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with zero (0) commentaries received in opposition of the request and zero (0) in support. The applicant was present and agreed with the staff recommendation of approval. No members of the public were present to speak in favor of the proposed request.

Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

Following limited discussion, a motion was made by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-1 (Single-Family Dwelling District) zoning district. Commissioner Wean seconded the motion, which was then carried on a 9-0 vote.

Motion / Second

James Dunn / Paul Wean

Voting in Favor

James Dunn, Paul Wean, Jose Cantero, JaJa Wade, Tina Demostene, William Gusler, Gordon Spears, Pat DiVecchio, and Yog Melwani

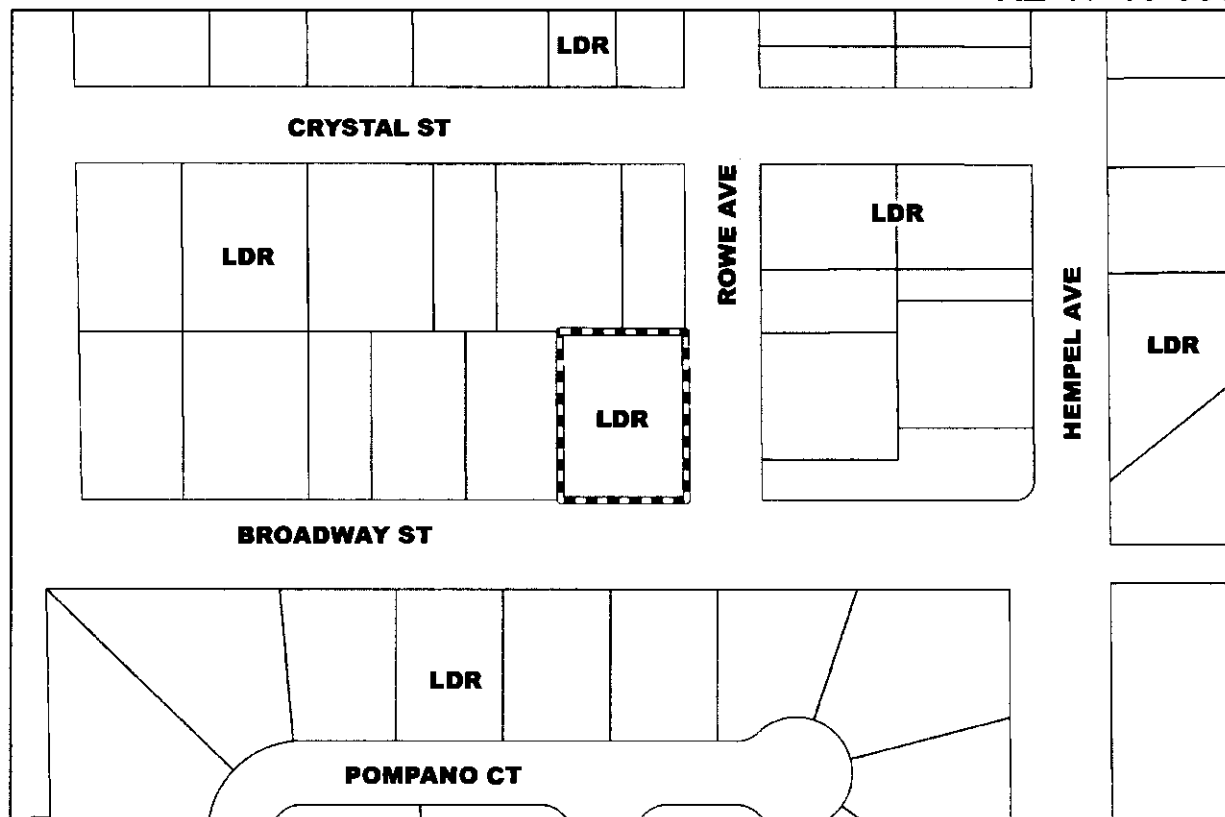
Absent

None

Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-038



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: William Joseph

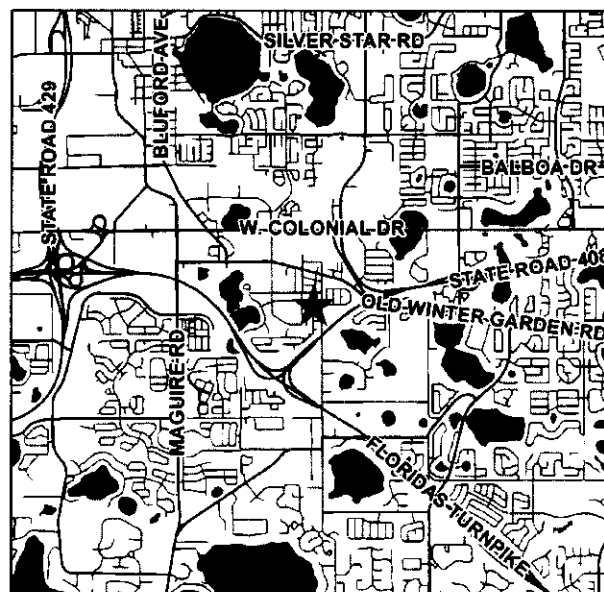
LOCATION: 3741 Broadway Street; or generally on the north side of Broadway Street, approximately 280 feet west of Hempel Avenue

TRACT SIZE: 0.30-gross acre

DISTRICT: # 1

S/T/R: 28/22/28

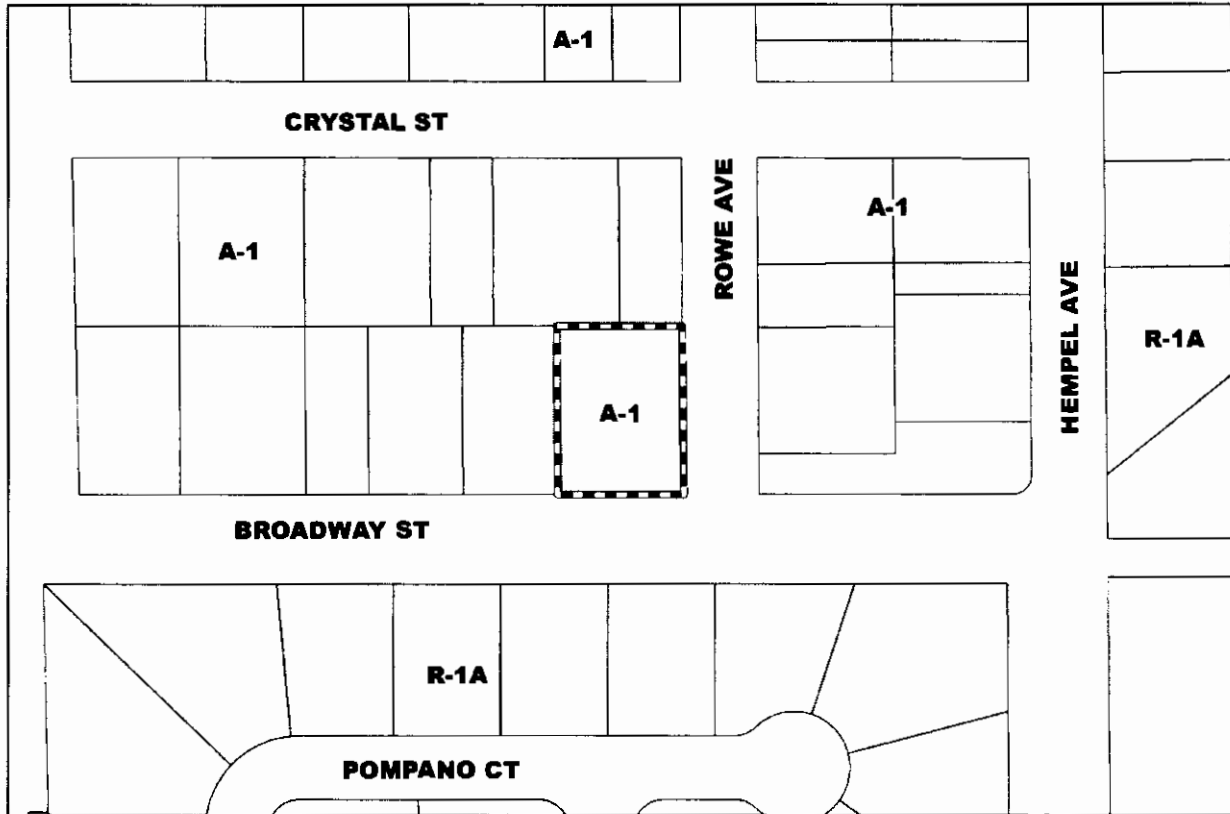
1 inch = 125 feet



Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-038



Subject Property



Subject Property

Zoning Map

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

APPLICANT: William Joseph

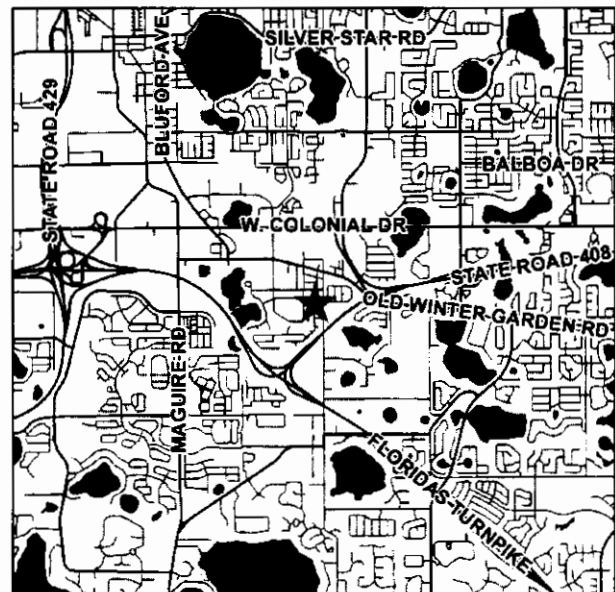
LOCATION: 3741 Broadway Street; or generally on the
north side of Broadway Street,
approximately 280 feet west of Hempel
Avenue

TRACT SIZE: 0.30-gross acre

DISTRICT: # 1

S/T/R: 28/22/28

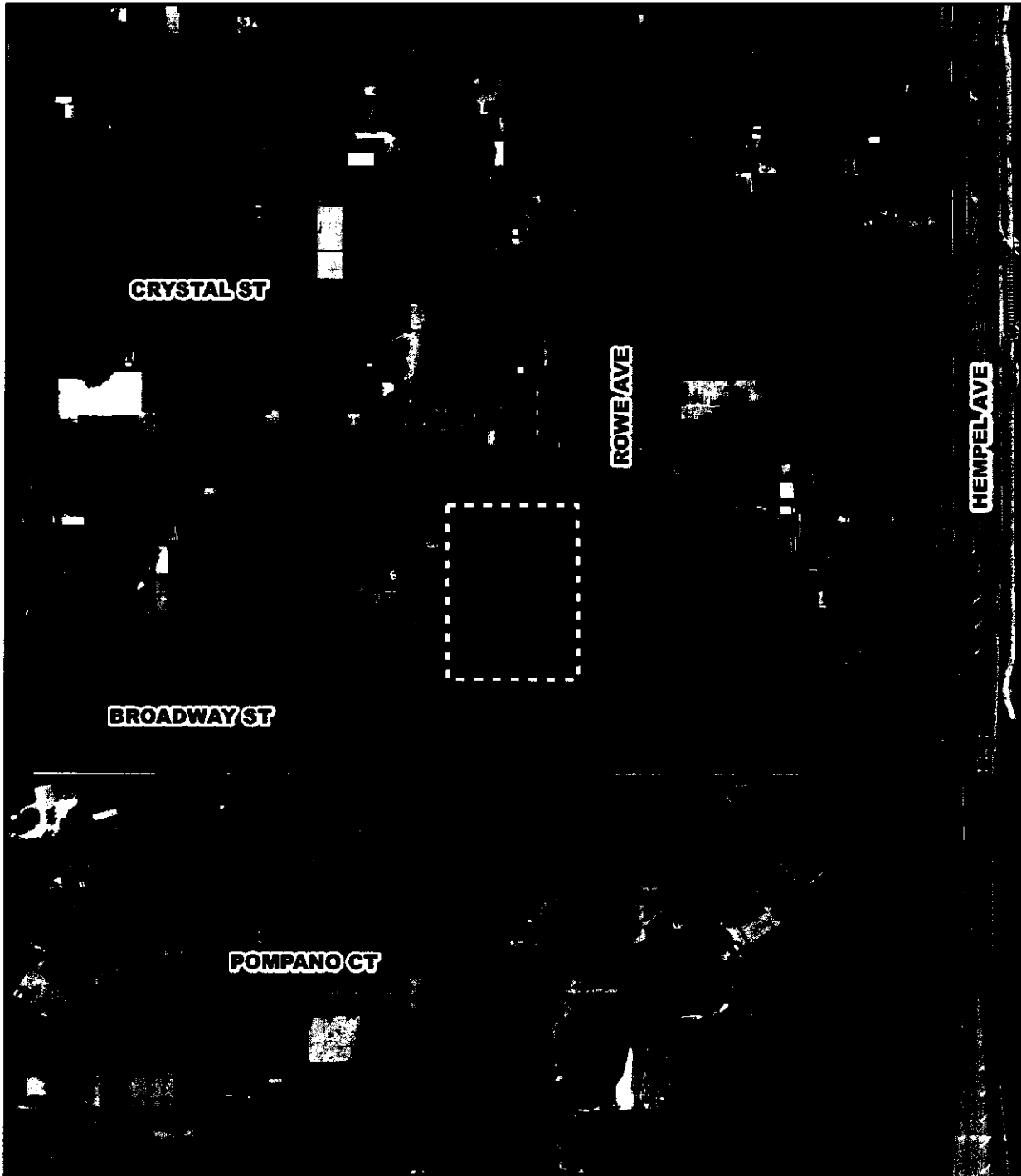
1 inch = 125 feet



Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-038



Subject Property



1 inch = 100 feet



Public Notification Map

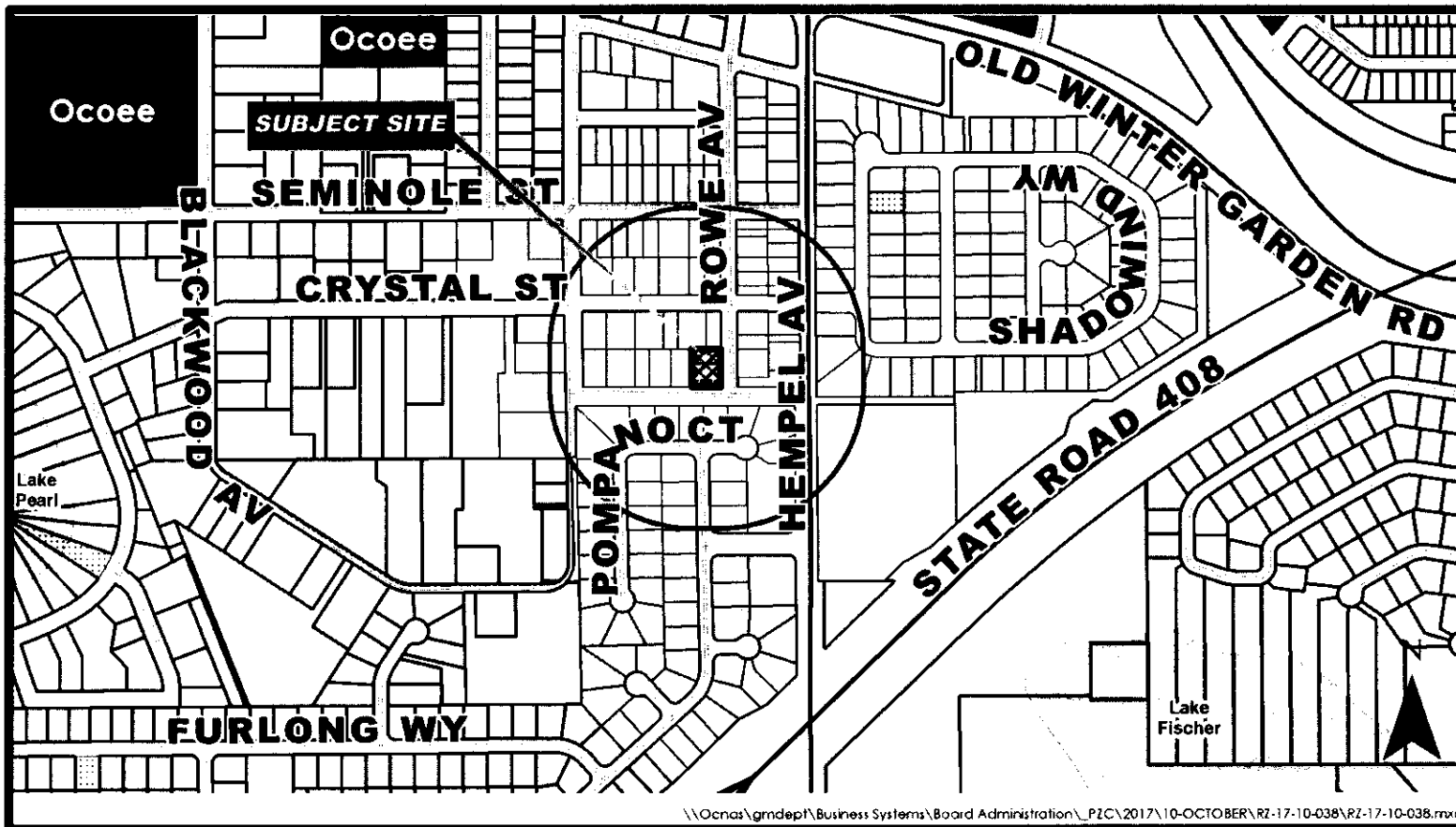
RZ-17-10-038

500 FT BUFFER, 266 NOTICES

Case Planner:
Steven Thorp

Case # RZ-17-10-038
Orange County Planning Division
PZC Hearing Date: October 19, 2017

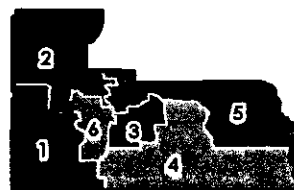
Notification Map



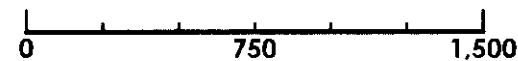
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MAP LEGEND

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



1 inch = 500 feet
Feet



Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 19, 2017

CASE # RZ-17-10-040

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Angela McMahan, Orlando Construction, LLC
OWNER	Orlando Construction, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District)
LOCATION	5004-5066 Patch Road; or generally on the west side of Patch Road and the south side of Seminole Avenue, approximately 1,300 feet south of Hoffner Avenue
PARCEL ID NUMBERS	14-23-30-5240-04-040, 14-23-30-5240-04-041, and 14-23-30-5240-04-042
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,200 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Ninety (90) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	4.01 gross acres
PROPOSED USE	Contractor's Office with Outdoor Storage

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate I-1/I-5 uses.

IMPACT ANALYSIS

Land Use Compatibility

The I-1 / I-5 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The IND FLUM designation allows for the consideration of development of up to 131,006 square feet of industrial uses. The proposed I-1 / I-5 (Industrial District) zoning is consistent with the IND FLUM designation and the following CP provisions:

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

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

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

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

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

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

SITE DATA

Existing Use	Single-Family Dwelling
Adjacent Zoning	N: I-1 / I-5 (Industrial District District) (1990) E: I-1 / I-5 (Industrial District District) (1990, 2001, 2004) W: I-1 / I-5 (Industrial District District) (1990) S: I-1 / I-5 (Industrial District District) (1990)
Adjacent Land Uses	N: Warehousing E: Car Dealer, Pet Boarding, Truck Parking, Real Estate Office W: Undeveloped Industrial, Automobile Parking S: Single-Family Residential

I-1 / I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS*

Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Max. Floor Area Ratio:	0.75
Building Setbacks:	
<i>Front:</i>	35 ft.
<i>Rear:</i>	25 ft. (50 ft. if abutting a residential district)
<i>Side:</i>	25 ft. (50 ft. if abutting a residential district)

**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

I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial 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. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 5004-5066 Patch Road; or generally on the west side of Patch Road and the south side of Seminole Avenue, approximately 1,300 feet south of Hoffner Avenue. The property is currently developed with a 1,221 square foot single-family detached dwelling.

Through this request, the applicant is seeking to rezone the subject parcel from A-2 (Farmland Rural District) to I-1 / I-5 (Industrial District) in order to construct a contractor's office with outdoor storage. The applicant has stated that the existing single-family dwelling would be converted into an office for business operations.

Additionally, the subject property's A-2 zoning is inconsistent with its underlying Industrial (IND) Future Land Use Map (FLUM) designation and this rezoning would bring the property into consistency with its Future Land Use designation.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

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

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "C". The proposed use is subject to the land use restrictions stated in Orange County Code Article XV – "Airport Noise Impact Areas".

Environmental

The applicant is advised to use caution to prevent erosion during construction along the boundary of the property into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

There are no conservation areas contained within the project site.

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

Finally, if a septic system is required or in use, the applicant will also be required to notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment.

Transportation / Access

The proposed rezoning for this 4.01 gross acre lot to I-1 / I-5 can generate up to 92 P.M. peak hour trips. Based on the Concurrency Management Database, dated September 22, 2017, the database indicates one (1) failing roadway segment: Goldenrod Road from Narcoossee Road to Pershing Avenue. A Capacity Encumbrance Letter (CEL) will be required prior to building permit approval. A capacity encumbrance application and traffic study shall be submitted to the Concurrency Management office.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 12-inch water main is located within the Patch Road right-of-way, 700 feet north of the property.
Wastewater:	Orange County Utilities	A 4-inch forcemain is located 1,100 feet north of the property.
Reclaim Water:	Orange County Utilities	There are no reclaim water mains located in the area.

Schools

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

Parks and Recreation

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

Case Planner:
Steven Thorp

Case # RZ-17-10-040
Orange County Planning Division
PZC Hearing Date: October 19, 2017

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 19, 2017)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate I-1/I-5 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-1/I-5 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that ninety (90) notices were mailed to surrounding property owners within a buffer extending beyond 1,200 feet from the subject property, with zero (0) commentaries received in opposition of the request and zero (0) in support. The applicant was present and agreed with the staff recommendation of approval. No members of the public were present to speak in favor of the proposed request.

Following limited discussion regarding site compliance, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the I-1/I-5 (Industrial District) zoning district, subject to two (2) restrictions. Commissioner DiVecchio seconded the motion, which was then carried on a 9-0 vote.

Motion / Second

Tina Demostene / Pat DiVecchio

Voting in Favor

Tina Demostene, Pat DiVecchio, Paul Wean, Jose Cantero, JaJa Wade, William Gusler, Gordon Spears, Yog Melwani, and James Dunn

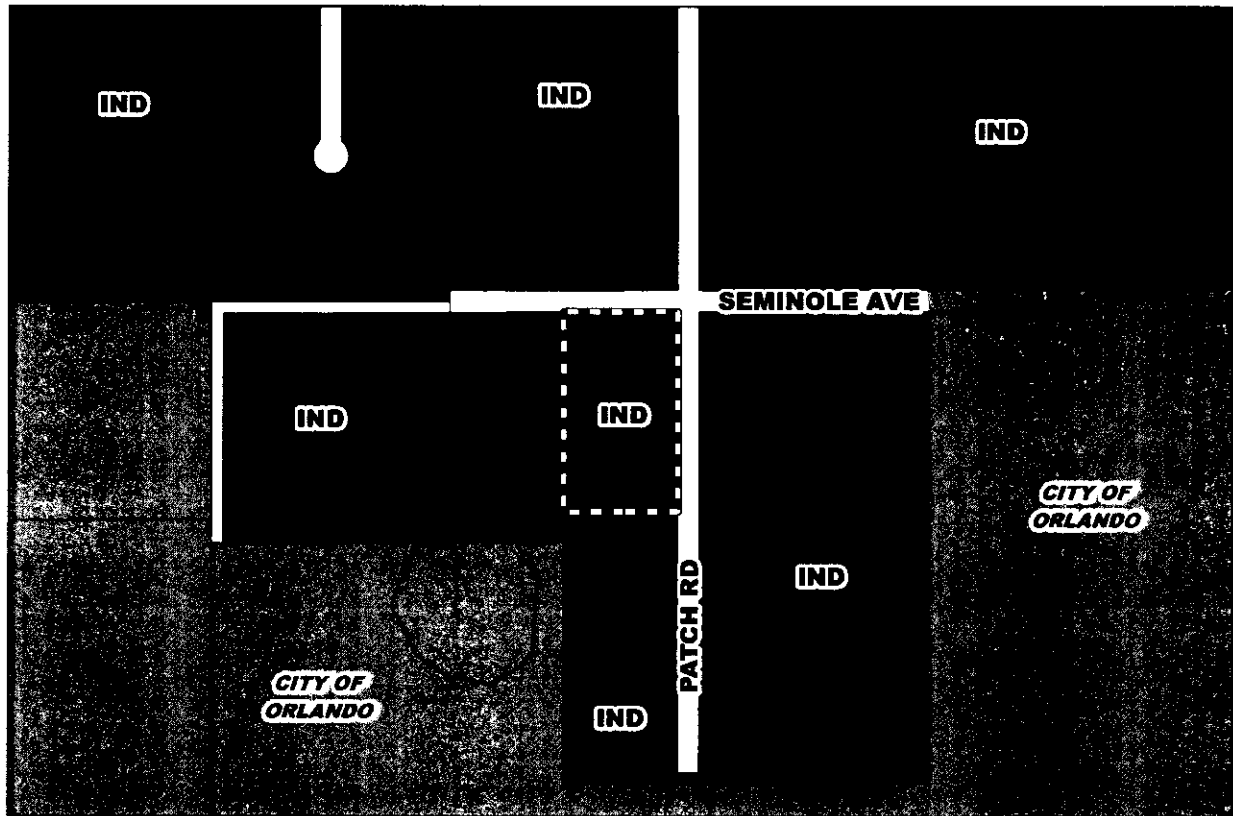
Absent

None

Case Planner:
Steven Thorp

Case # RZ-17-10-040
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-040



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Angela McMahan,
Orlando Construction, LLC

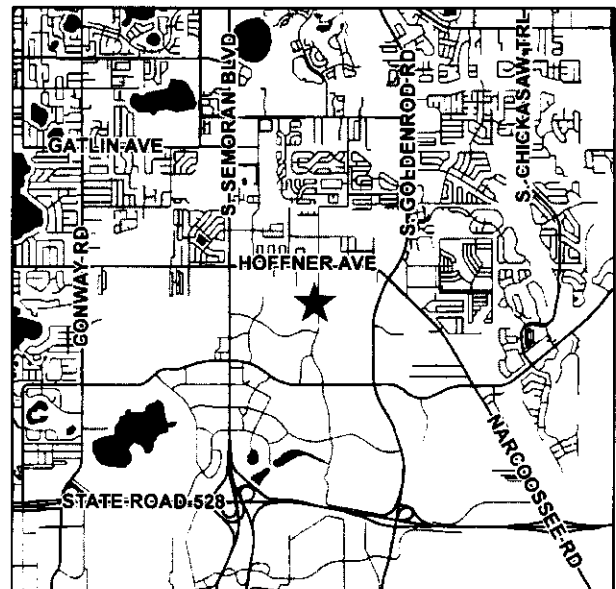
LOCATION: 5004-5006 Patch Road; or generally on the
west side of Patch Road and the south
side of Seminole Avenue, approximately
1,300 feet south of Hoffner Avenue

TRACT SIZE: 4.01 gross acres

DISTRICT: # 3

S/T/R: 14/23/30

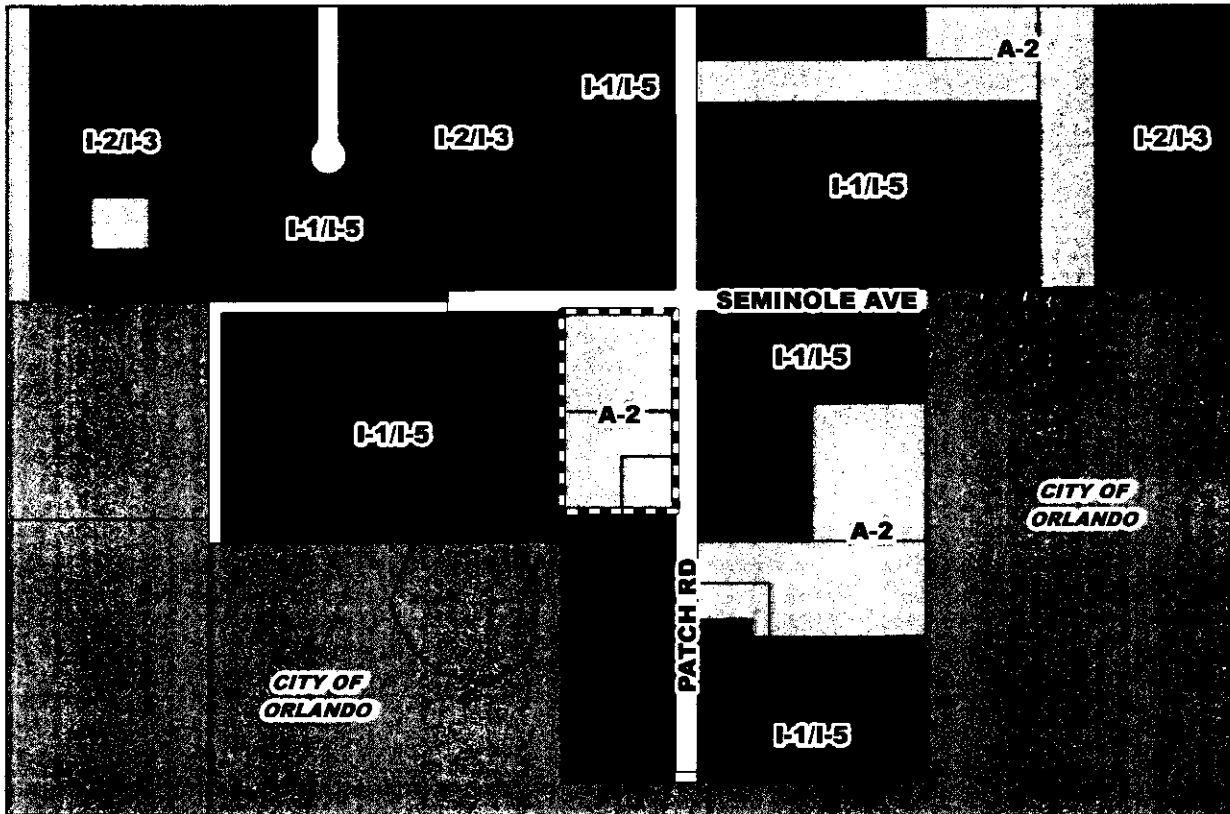
1 inch = 438 feet



Case Planner:
Steven Thorp

Case # RZ-17-10-040
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-040



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to
I-1/I-5 (Industrial District)

APPLICANT: Angela McMahan,
Orlando Construction, LLC

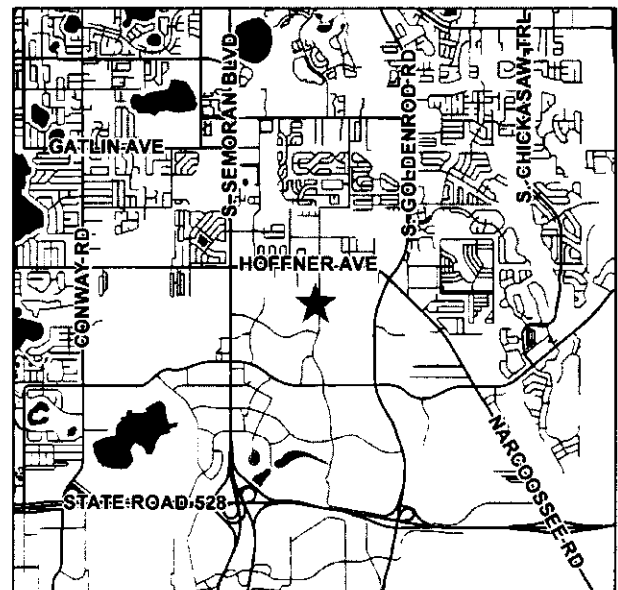
LOCATION: 5004-5006 Patch Road; or generally on the
west side of Patch Road and the south
side of Seminole Avenue, approximately
1,300 feet south of Hoffner Avenue

TRACT SIZE: 4.01 gross acres

DISTRICT: # 3

S/T/R: 14/23/30

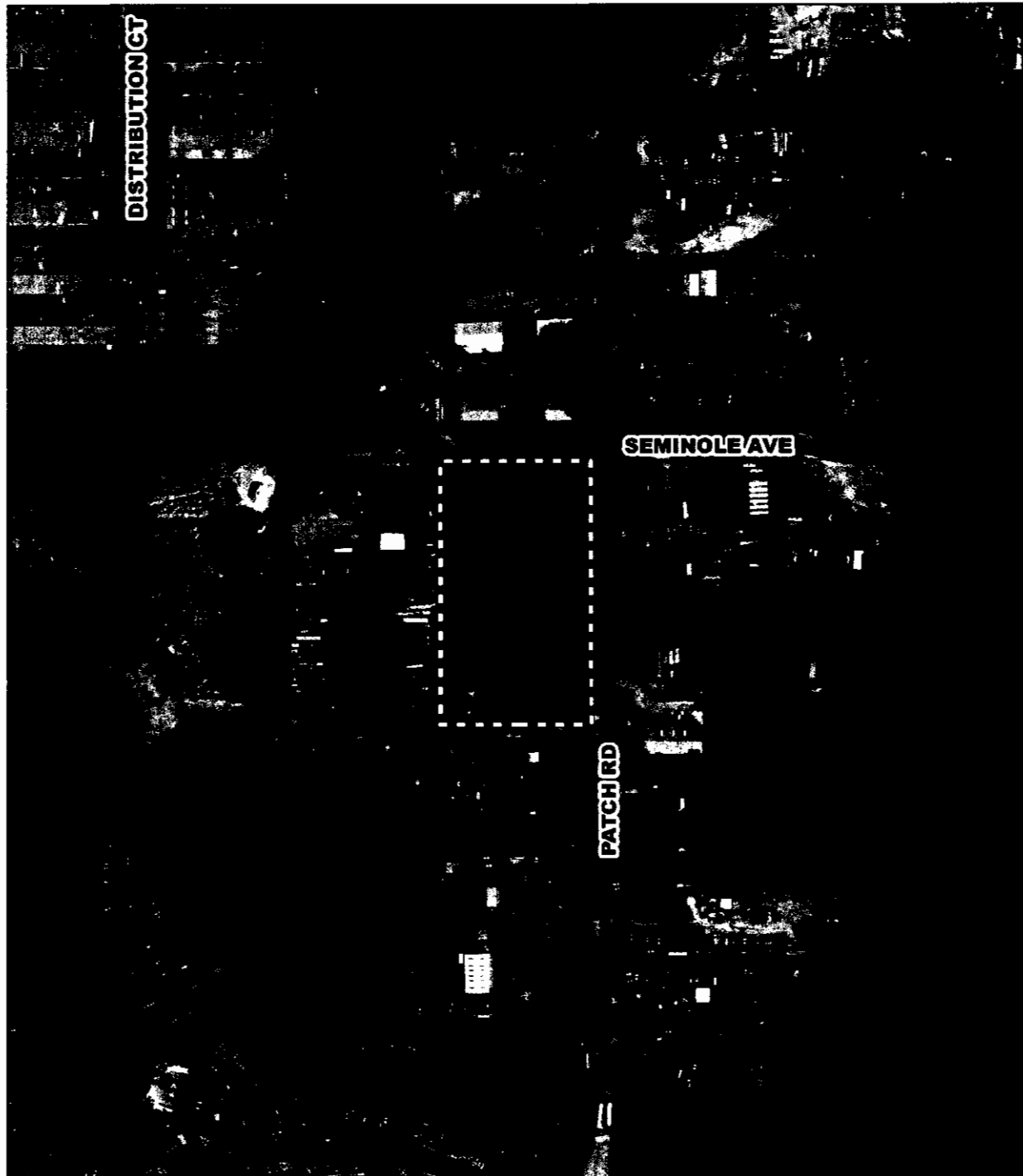
1 inch = 438 feet



Case Planner:
Steven Thorp

Case # RZ-17-10-040
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-10-040



 Subject Property



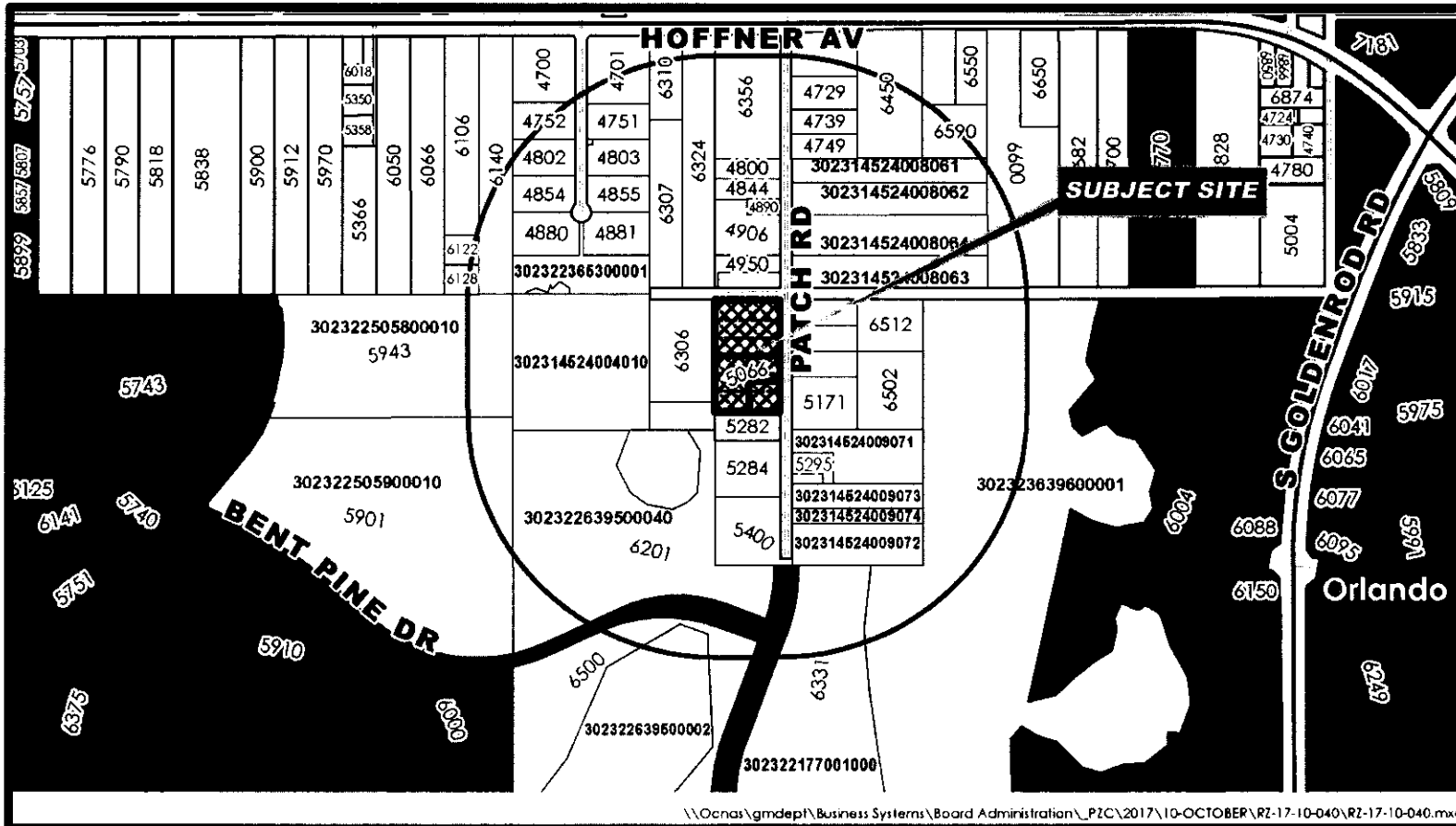
1 inch = 275 feet



Public Notification Map

RZ-17-10-040

1200 FT BUFFER, 90 NOTICES



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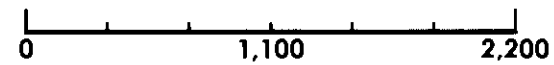
MAP LEGEND

- SUBJECT
- 1200 FT BUFFER
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS



1 inch = 694 feet

Feet



Case Planner:
Steven Thorp

Case # RZ-17-10-040
Orange County Planning Division
PZC Hearing Date: October 19, 2017

Notification Map

Case Planner:
Danalee Petyk

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 19, 2017



Interoffice Memorandum

DATE: October 10, 2017

TO: Chairman JaJa Wade
-AND-
Planning and Zoning Commission (PZC)

FROM: Eric Raasch, AICP, Chief Planner
Planning Division

SUBJECT: October 19, 2017 – Public Hearing
RZ-17-10-041 / Conventional Rezoning
James Johnston, Shutts & Bowen LLP for Orlando Executive
Park LLC

Staff recommends that the scheduled public hearing for RZ-17-10-041 be continued to November 16, 2017 at 9:00 a.m.

Case Planner:
Danalee Petyk

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: October 19, 2017

CASE # RZ-17-01-002

Commission District: # 2

GENERAL INFORMATION

APPLICANT	Robert Ortega
OWNER	Confidential
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	1011 Hunter Avenue; or generally on the north side of Hunter Avenue, approximately 140 feet west of Edgewater Drive.
PARCEL ID NUMBERS	10-22-29-8828-06-070
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 800 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two hundred forty-six (246) notices were mailed to those property owners in the mailing area. As summarized below, a community meeting was held for this project on Thursday, August 31, 2017, at College Park Middle School.
TRACT SIZE	0.48 gross acres
PROPOSED USE	Expansion of existing single-family residence and creation of an additional single-family residential lot.

STAFF RECOMMENDATION

PLANNING

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

IMPACT ANALYSIS

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the adjacent residential neighborhood 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) which allows consideration of up to four (4) residential dwelling units per developable acre. The applicant had previously submitted a Comprehensive Plan Amendment to change the FLUM designation to Low-Medium Density Residential, but that application has been withdrawn. Staff reviewed the Comprehensive Plan Amendment request and determined that it would not be necessary. The requested R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation and the following CP 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.

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.

OBJ FLU2.1 INFILL stated that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

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 Dwelling
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: P-O (Professional Office District) (1978) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Single-Family Residential E: Professional Office W: Single-Family Residential S: Single-Family Residential

R-1 (Mobile Home Subdivision District) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,200 sq. ft.
Building Setbacks (for lots platted prior to 3/3/1997):	
<i>Front:</i>	25 ft.
<i>Rear:</i>	25 ft.
<i>Side:</i>	6 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-1 (Single-Family Dwelling District) zoning district is composed of lands and structures with the same general character of R-1AA and R-1A, 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 undeveloped property is located at 1011 Hunter Avenue; or generally on the north side of Hunter Avenue, approximately 140 feet west of Edgewater Drive. The subject property contains 0.48 gross acres and is currently developed with a single-family dwelling.

The surrounding neighborhood can be characterized as having small platted lots with conventional single-family residential dwelling units. Single-family dwelling units are located to the south, west, and north. A real estate office is located to the east of the subject property. The Comprehensive Plan encourages a mixture of lot types and sizes, as well as infill development. The surrounding area consists of a variety of lot sizes, ranging from 50 feet in width to 150 feet in width.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) with the intent to expand the existing home and create an additional single-family lot.

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, which allow for the consideration of up to four (4) dwelling 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.

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

Environmental Protection Division (EPD) staff reviewed the request and has provided the following comments:

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

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment.

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

The applicant has been advised to use caution to prevent erosion during construction along the boundary of the property, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Transportation / Access

Orange County Transportation Planning Staff has reviewed the request and has provided the following comments:

The subject property is located in the Alternative Mobility Area (AMA). Per Transportation Element Objective T2.3.2, the proposed development is exempt from meeting transportation concurrency requirements.

Based on trip generation estimates from the 9th Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the current land use generates approximately one p.m. peak hour trip, while the maximum of two single-family dwelling units permitted under the requested LMDR future land use designation would generate 2 new p.m. peak hour trips, resulting in a net increase of 1 trip in the p.m. peak period. The increase in 1 p.m. peak trip is considered *de minimis*. No further transportation analysis is required.

The subject property is not located along a backlogged/constrained facility or multimodal corridor. It is located adjacent to Hunter Avenue, a two-lane local road west of Edgewater Drive.

Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along Edgewater Drive.

The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network; however, the sidewalk along Hunter Avenue is incomplete.

There is a signed bicycle route along Edgewater Drive.

Code Enforcement

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

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> 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 is considered *de minimis* and therefore exempt from capacity review.

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 19, 2017)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1 (Single-Family Dwelling District) zoning with no restrictions.

Staff indicated that a community was held for this request on Thursday, August 31, 2017, at College Park Middle school with eight (8) residents in attendance. Those in attendance did not oppose the request or raise any major concerns. Staff also indicated that two hundred forty-six (246) notices were mailed to surrounding property owners within a buffer extending beyond 800 feet from the subject property, with two (2) commentaries received in opposition and one (1) in support with no specific comments provided.

Following limited discussion about the proposed lot split, a motion was made by Commissioner Gusler to find the request to be consistent with the Comprehensive Plan

Case Planner:
Danalee Petyk

Case # RZ-17-01-002
Orange County Planning Division
PZC Hearing Date: October 19, 2017

and recommend **APPROVAL** of the R-1 (Single-Family Dwelling District) zoning district. Commissioner Dunn seconded the motion, which was then carried on a 9-0 vote.

Motion / Second

William Gusler / James Dunn

Voting in Favor

William Gusler, James Dunn, Gordon Spears, Jaja Wade, Pat DiVecchio, Paul Wean, Tina Demostene, Yog Melwani, and Jose Cantero

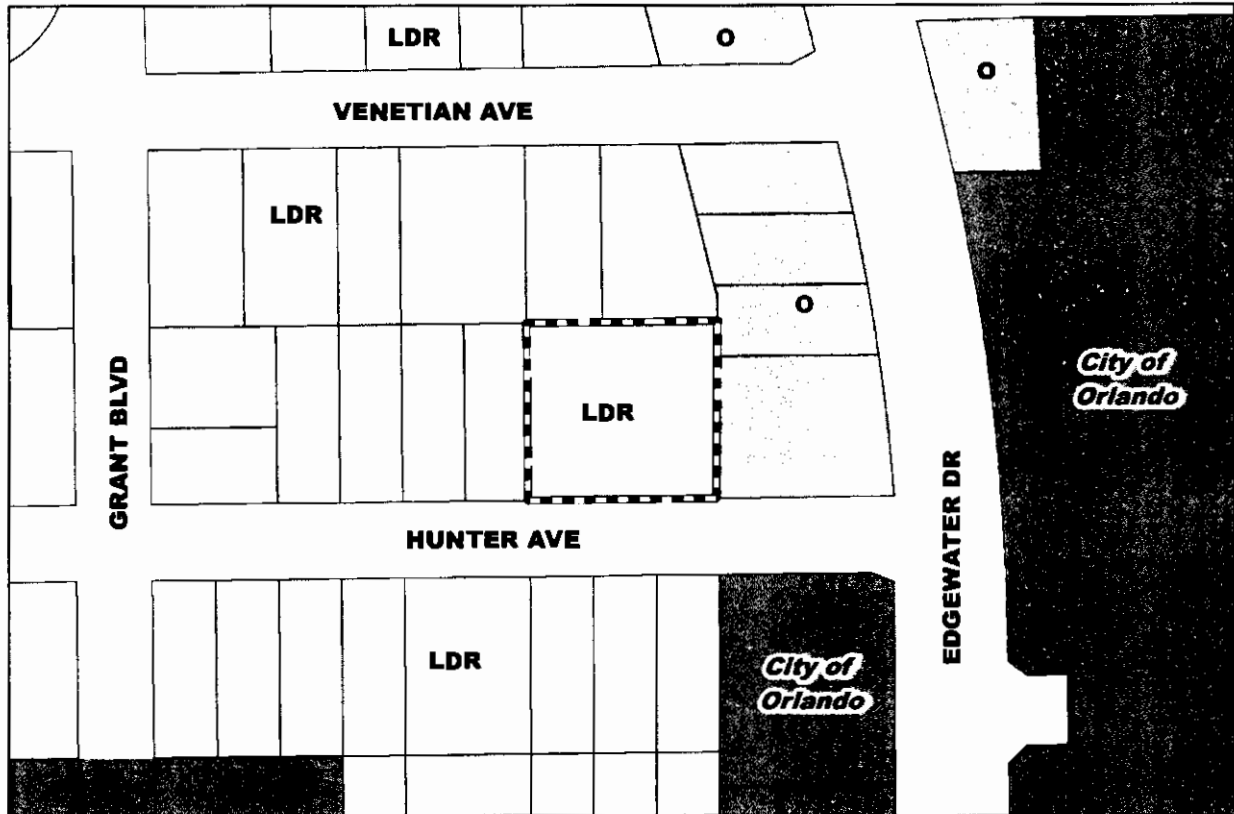
Absent

None

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Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-01-002



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Robert Ortega

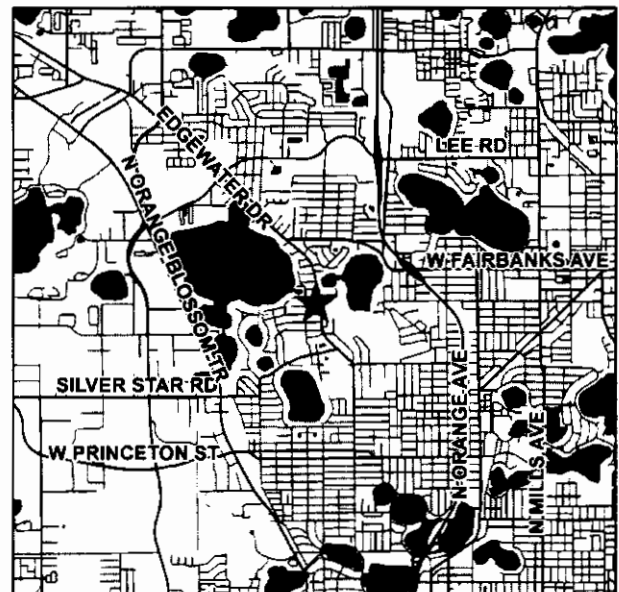
LOCATION: 1011 Hunter Avenue; or generally on the north side of Hunter Avenue and approximately 140 feet west of Edgewater Drive

TRACT SIZE: 0.48-gross acre

DISTRICT: # 2

S/T/R: 10 / 22 / 29

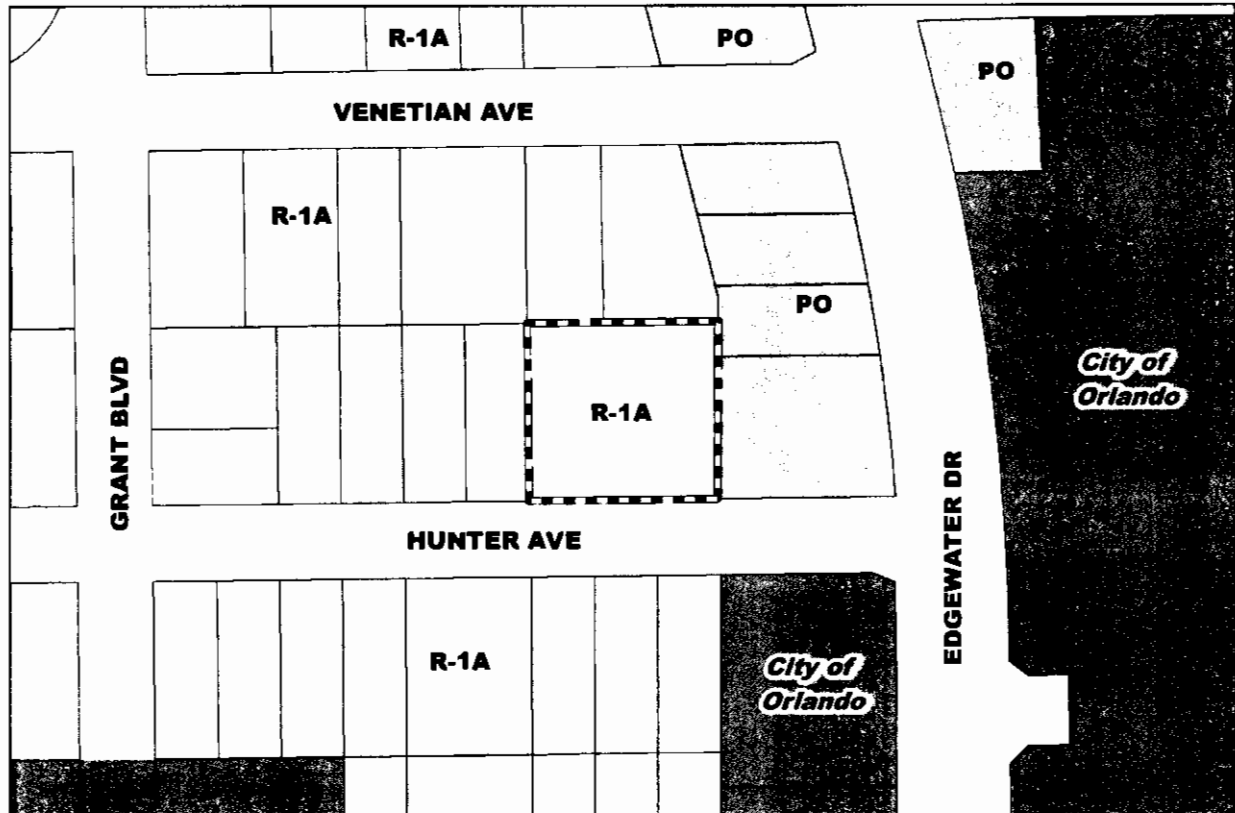
1 inch = 125 feet



Case Planner:
Danalee Petyk

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Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-01-002



 Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: Robert Ortega

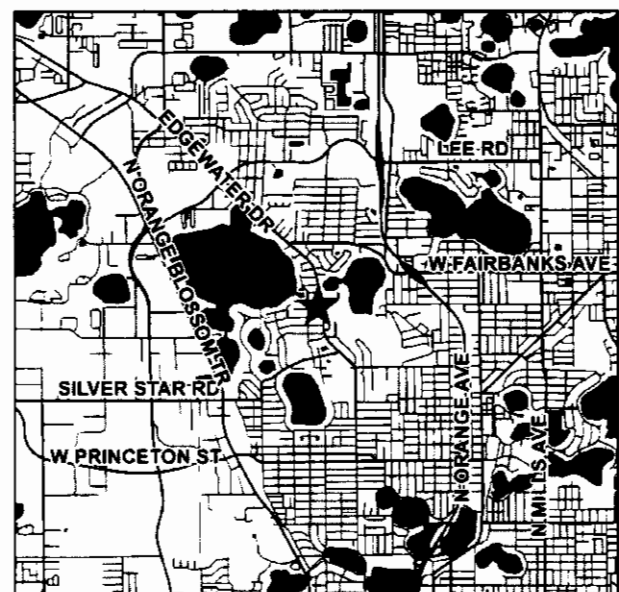
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Drive

TRACT SIZE: 0.48-gross acre

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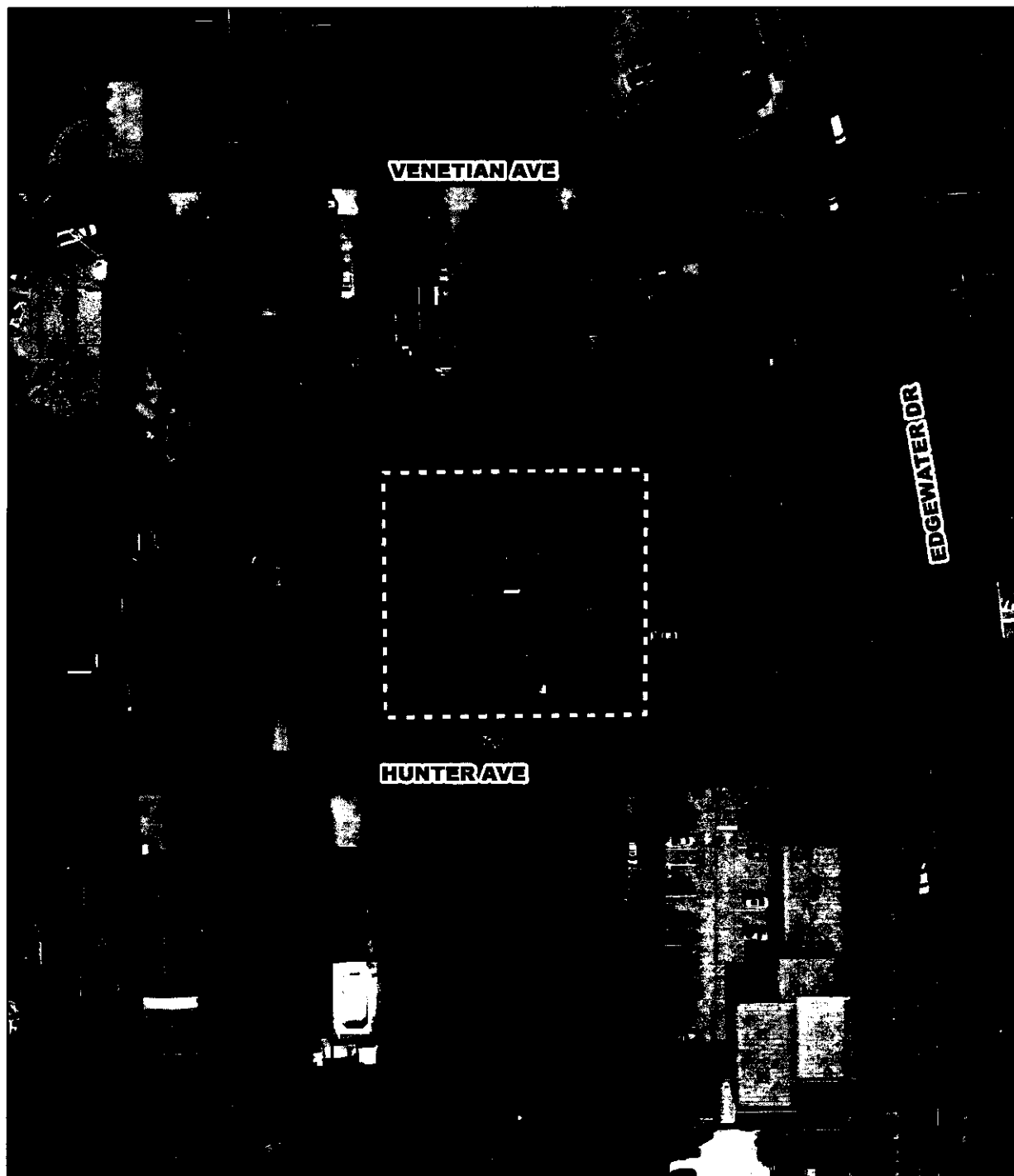
1 inch = 125 feet



Case Planner:
Danalee Petyk

Case # RZ-17-01-002
Orange County Planning Division
PZC Hearing Date: October 19, 2017

RZ-17-01-002



 Subject Property



1 inch = 75 feet



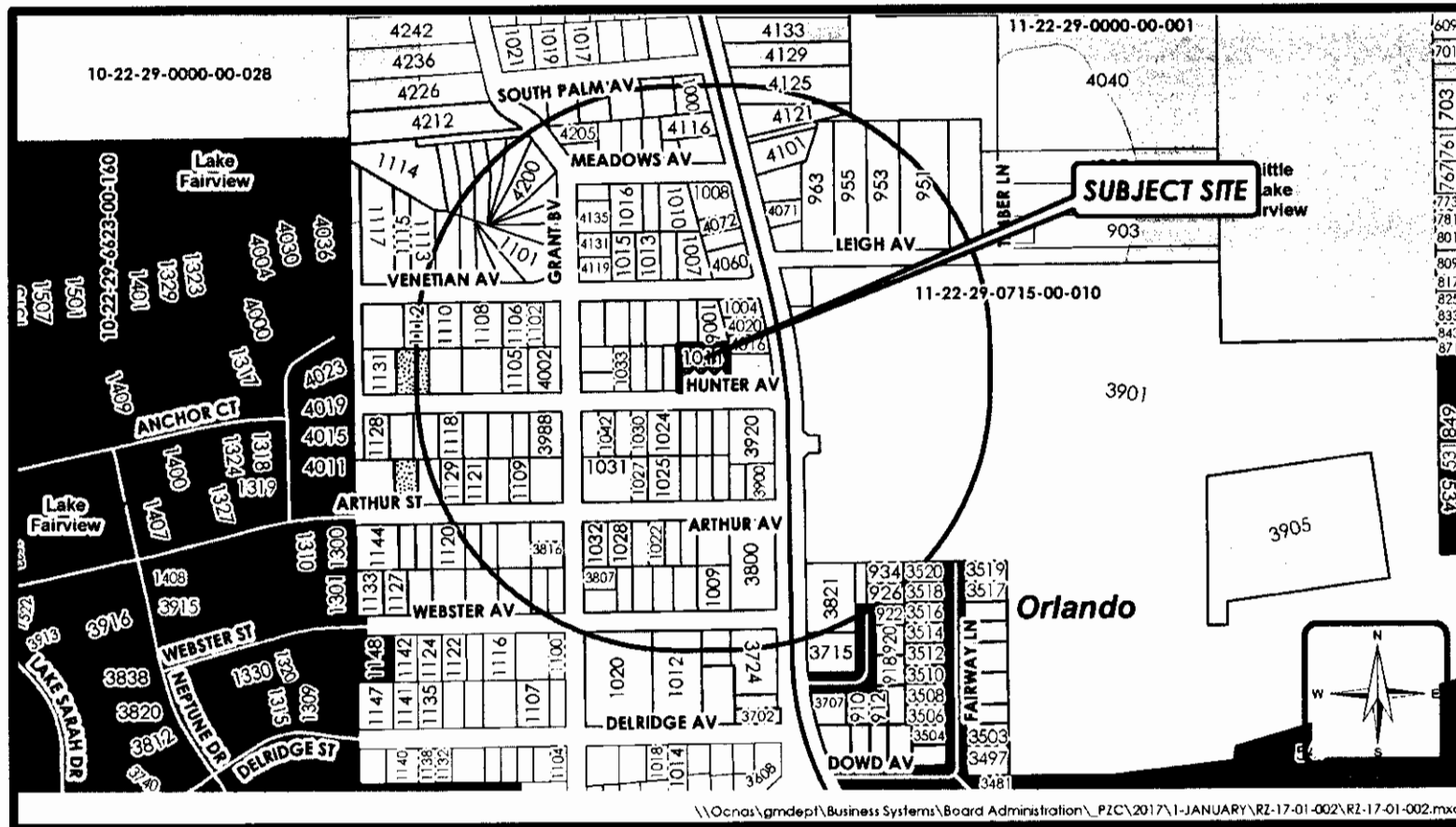
Public Notification Map

RZ-17-01-002

800 FT BUFFER, 246 NOTICES

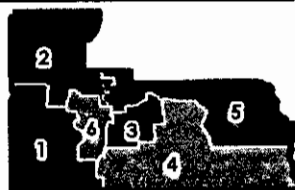
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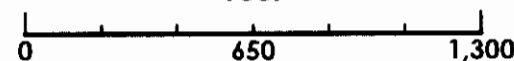


MAP LEGEND

- | | | | |
|--|------------------|--|-----------|
| | SUBJECT | | HYDROLOGY |
| | 800 FT BUFFER | | PARCELS |
| | NOTIFIED PARCELS | | |
| | COURTESY NOTICES | | |



1 inch = 434 feet
Feet



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