

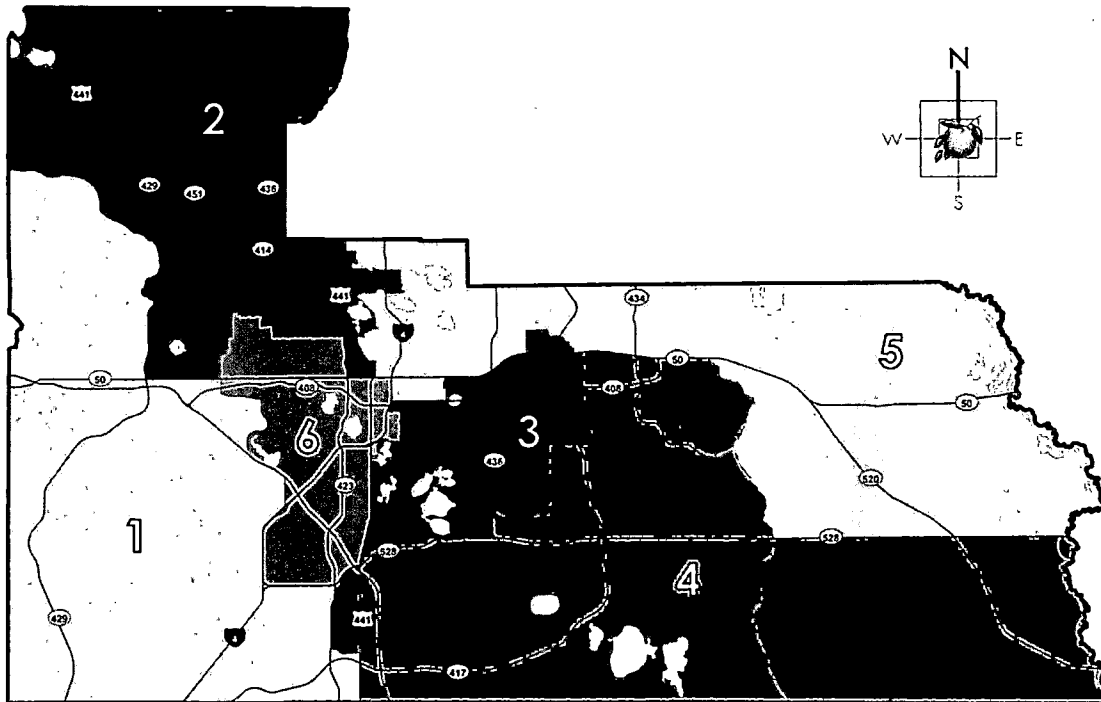


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

MARCH 15, 2018



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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Planning and Zoning Commission
March 15, 2018

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REZONING PUBLIC HEARINGS

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TABLE OF HEARINGS
Planning and Zoning Commission
March 15, 2018

<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-18-03-013 Marissis Gandert	<i>R-CE to R-1AAA</i>	2	Approval	Approval	No
RZ-18-03-015 Elizabeth Ayotunde	<i>R-1A to R-1</i>	2	Approval	Approval with one (1) restriction	No
RZ-18-03-016 Thomas Ravenscroft	<i>R-1A to C-3</i>	6	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-18-03-017 Patrick M. Lynch	<i>R-1A to R-1</i>	3	Approval	Approval	No
RZ-18-03-018 Juan Feng	<i>R-2 to C-1</i>	6	Approval with two (2) variances & three (3) restrictions	Approval with two (2) variances & three (3) restrictions	No
RZ-18-03-019 Kelly Froelich	<i>R-CE to R-3</i>	1	Withdrawn	N/A	N/A
RZ-18-03-020 Miguel Crespo	<i>R-2 to R-T-1</i>	4	Approval	Approval	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
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.						

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

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

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

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

FOOTNOTES

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

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

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

(a) *Buffer classifications:*

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

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

Case Planner:
Nicolas Thalmueller

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-013

Commission District: # 2

GENERAL INFORMATION

APPLICANT	Marissis Gandert
OWNERS	Wilfred Alvarado and Marissis Gandert
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-CE (Country Estate District) to R-1AAA (Residential Urban District)
LOCATION	2601 Ashville Street; or generally on the east side of Ashville Street, west of Lake Street, and north of Silver Star Road.
PARCEL ID NUMBER	15-22-28-2760-04-130
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred fifty-seven (157) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.05 gross acres
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-1AAA (Residential Urban District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1AAA (Residential Urban District) zoning is consistent with the Low Density Residential FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: R-CE (Country Estate District) (1981) E: R-CE (Country Estate District) (1981) / City of Ocoee W: R-CE (Country Estate District) (1981) S: City of Ocoee
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-1AAA (RESIDENTIAL URBAN DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	14,520 sq. ft. (1/3 acre)
Min. Lot Width:	95 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,500 sq. ft.
Building Setbacks:	
<i>Front:</i>	30 ft.
<i>Rear:</i>	35 ft.
<i>Side:</i>	10 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 38-326 of the Orange County Code, the intent and purpose of the R-1AAA residential urban district is to provide for single-family homes of a low density within the existing or planned urban service area.

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

SPECIAL INFORMATION**Subject Property Analysis**

The 1.05-acre subject property is currently undeveloped, and is located at 2601 Ashville Street, or generally on the east side of Ashville Street, west of Lake Street, and north of Silver Star Road. The applicant is seeking to rezone the subject parcel from R-CE (Country Estate District) to R-1AAA (Residential Urban District) with the intent to subdivide the parcel into two (2) single-family lots in order to construct a detached single-family dwelling unit on each of the resulting lots.

The Comprehensive Plan requires proposed developments to be compatible with the existing development trends in the area. The surrounding area is characterized as being developed with single-family detached dwellings. Although the immediate area is zoned R-CE (requiring a 130-foot minimum lot width, and 1 acre minimum lot area), the majority of lots within the subdivision generally range between 50' and 125' feet wide. In addition, most of the lots within the subdivision are between 0.30 and 0.60-acre in area, with a few as small as 0.15-acre. This trend is consistent with the development standards for the R-1AAA district. In 2005, a 1.23 acre parcel just north of the subject property was rezoned from R-CE to R-1AAA with a waiver of the minimum lot area of 14,520 sq. ft. to 13,500 sq. ft. (Z-05-006). That parcel was subsequently split into three lots and developed with a single-family dwelling on each 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.

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 located within the City of Ocoee Joint Planning Area. Notice of the rezoning was sent to the City for their review, but no comments nor objections have been provided to Orange County.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

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

Environmental

The subject property is located within the Wekiva Study Area and special area regulations may apply.

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

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.

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

Transportation / Access

The proposed use will generate 2 p.m. peak hour trips. The Transportation Planning Division considers this impact to be de minimis and has determined that it 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:	City of Ocoee
Wastewater:	City of Ocoee
Reclaim Water:	City of Ocoee

Schools

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

Parks and Recreation

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

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

PZC Recommendation – (March 15, 2018)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that one hundred fifty-seven (157) notices were mailed to surrounding property owners within a buffer extending 700 feet from the subject property, with zero (0) commentaries received in favor of the request and zero (0) in opposition. The applicant was present and agreed with the staff recommendation of approval.

Seeing no public to comment on the matter, a motion was made by Commissioner Gusler to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1AAA (Residential Urban District) zoning. Commissioner DiVecchio seconded the motion, which then carried on a 7-0 vote.

Motion / Second

William Gusler / Pat DiVecchio

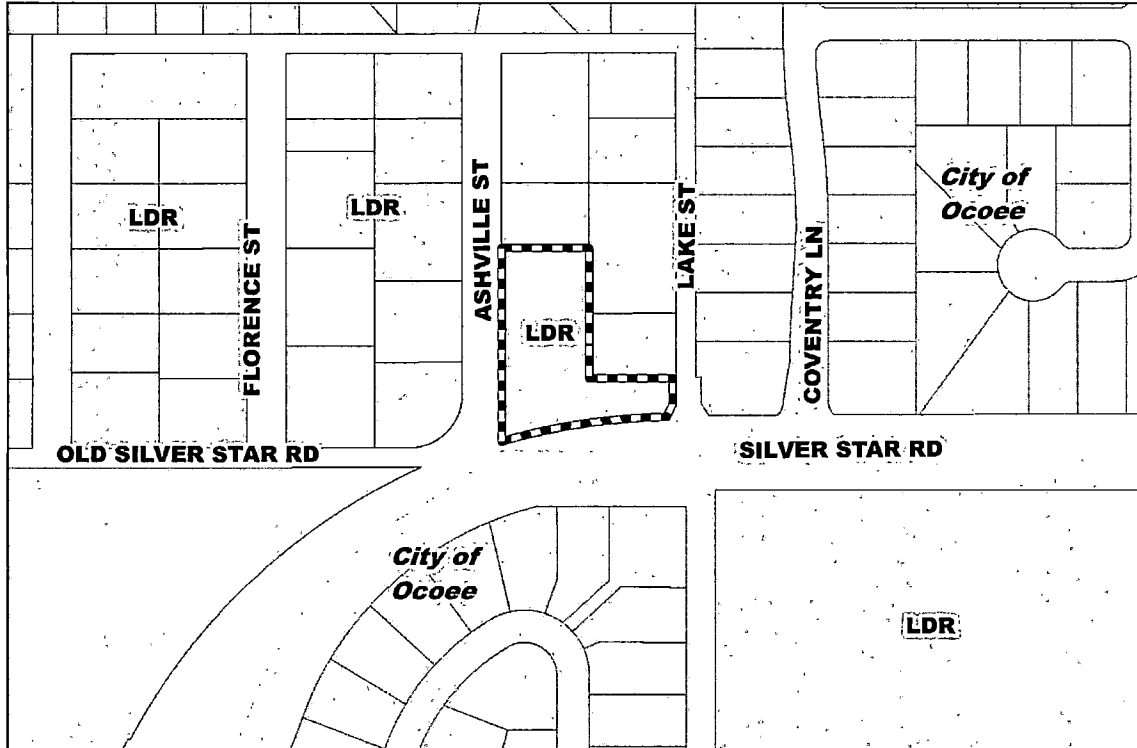
Voting in Favor

William Gusler, Pat DiVecchio, Paul Wean, Gordon Spears, Jose Cantero, Tina Demostene, James Dunn

Absent

JaJa Wade and Yog Melwani

RZ-18-03-013



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Marissis H. Gandert

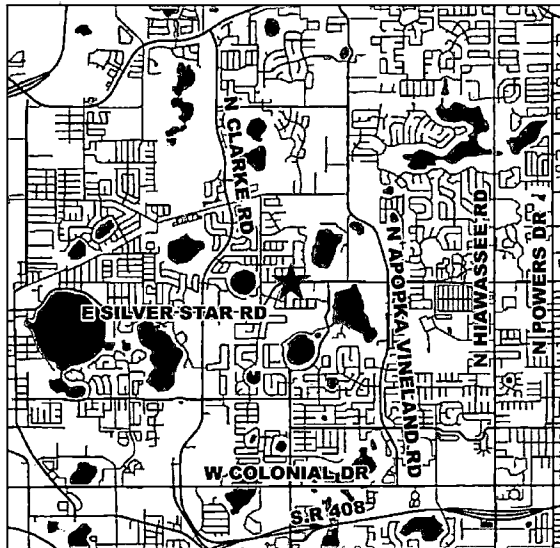
LOCATION: 2601 Ashville Street; or generally on the east side of Asheville Street, west of Lake Street, and north of Silver Star Road.

TRACT SIZE: 1.05 gross acres

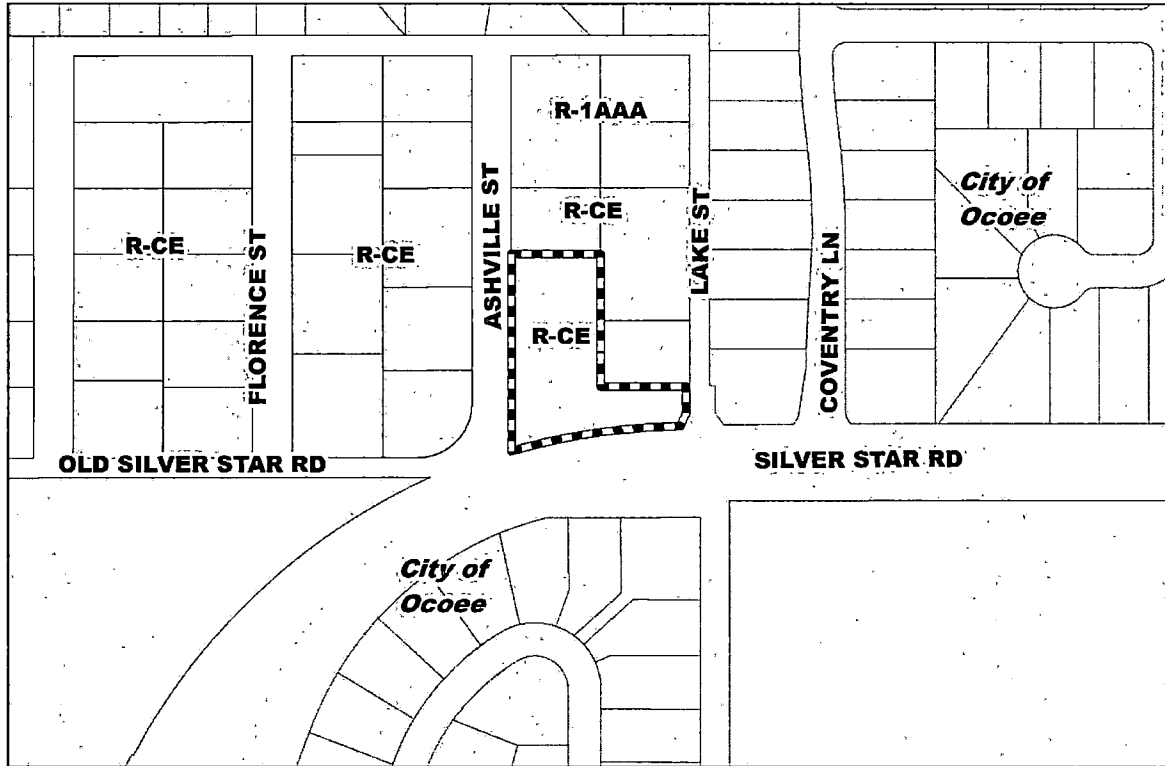
DISTRICT: # 2

S/T/R: 15/22/28

1 inch = 225 feet



RZ-18-03-013



Subject Property



★ Subject Property

Zoning Map

ZONING: R-CE (Country Estate District) to
 R1-AAA (Residential Urban District)

APPLICANT: Marissis H. Gandert

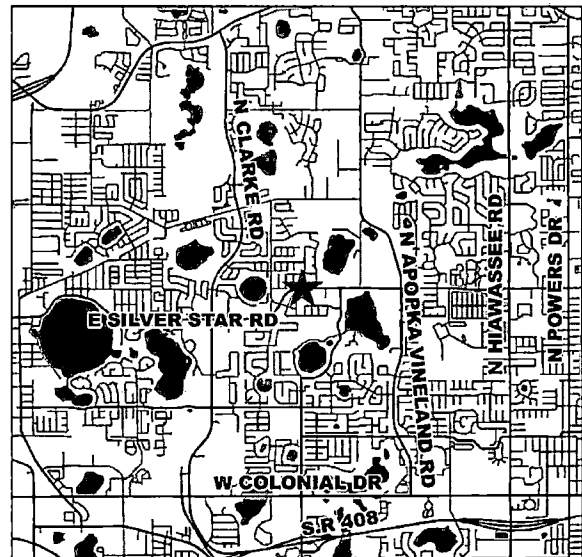
LOCATION: 2601 Ashville Street; or generally on the
 east side of Asheville Street, west of Lake
 Street, and north of Silver Star Road.

TRACT SIZE: 1.05 gross acres

DISTRICT: # 2

S/T/R: 15/22/28

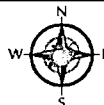
1 inch = 225 feet



RZ-18-03-013



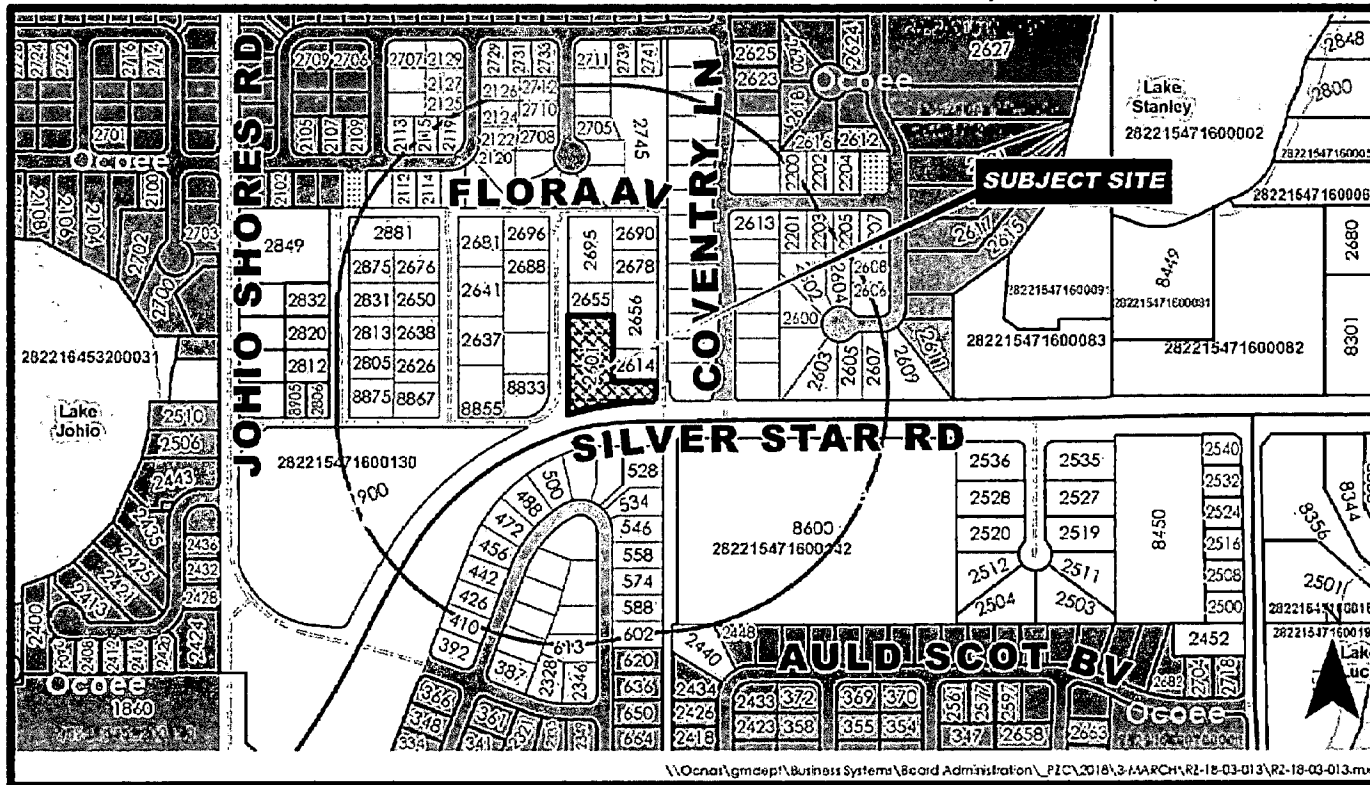
Subject Property



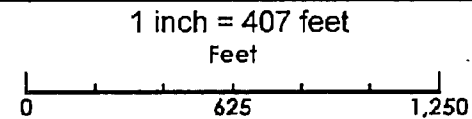
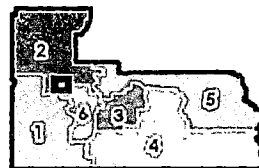
1 inch = 275 feet



Public Notification Map RZ-18-03-013 700 FT BUFFER, 157 NOTICES



MAP LEGEND	
	SUBJECT
	700 FT BUFFER
	HYDROLOGY
	NOTIFIED_PARCELS
	COURTESY_NOTICES
	PARCELS



Notification Map

Case # RZ-18-03-013
 Orange County Planning Division
 PZC Hearing Date: March 15, 2018

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-015

Commission District: # 2

GENERAL INFORMATION

APPLICANT	Elizabeth Ayotunde
OWNER	Elizabeth Ayotunde and Michael Ayotunde
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	5922 Indian Hill Road; or generally on the north side of Indian Hill Road, approximately 1,600 feet east of N. Powers Drive.
PARCEL ID NUMBER	12-22-28-5844-00-670
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-two (262) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	3.093 gross acres
PROPOSED USE	12 single-family detached dwellings

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Residential 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 Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957)
	E: R-1A (Single-Family Dwelling District) (1957)
	W: R-1A (Single-Family Dwelling District) (1957)
	S: R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Single-Family Residential
	E: Single-Family Residential

W: Single-Family Residential

S: Elementary School

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 5922 Indian Hill Road; or generally on the north side of Indian Hill Road, approximately 1,600 feet east of N. Powers Drive. The immediate area is developed with a mixture of single-family detached residential dwelling units and an elementary school.

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to develop the site with up to 12 single-family detached dwellings, as allowed by the Low Density Residential (LDR) FLU designation.

Though the immediate area is developed with lots conforming to the R-1A standard, the change to R-1 would provide a diversity of lot types within a fairly homogenous area in regards to subdivision development, while still maintaining the same uses. Additionally, this property must conform to the Wekiva Study Area standards and, per Orange County Comprehensive Plan Policy OS1.3.6, the development will be required to provide at least 35% open space to be conserved in perpetuity. The R-1 zoning would allow for additional flexibility in development of the subdivision due to the requirements of the study area.

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

Prior to demolition or construction activities associated with existing structures, the applicant shall 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, 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.

All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278. In addition, 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 the adopted Wekiva Basin Management Action Plan (BMAP).

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.

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

Transportation / Access

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter mile walking distance along Indian Hills Road and Powers Drive. The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network. There is no signed bicycle route/lane within the project impact area.

The proposed 12 single family dwelling units will generate 13 PM peak hour trips. Based on the concurrency management system database, all roadways within a one mile radius of this project operate at acceptable level of service and capacity is available to be encumbered.

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	12-inch watermain in the Indian Hill Road right-of-way
Wastewater:	Orange County Utilities	6-inch forcemain in the Indian Hill Road right-of-way
Reclaim Water:	Orange County Utilities	

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 did not comment on this case, as it does not involve an increase in residential units or density.

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 – (March 15, 2018)

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

1. Development shall be limited to a maximum of 10 single-family detached dwelling units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that two hundred sixty-two (262) notices were mailed to surrounding property owners within a buffer extending 500 feet from the subject property, with two (2) commentaries received in opposition to the request and one (1) received with conditional support. The applicant was present and agreed with the staff recommendation of approval. There were also two (2) residents that spoke for and against this request.

After discussion regarding the number of lots, compatibility, and the Wekiva Study Area open space standards, a motion was made by Commissioner Gusler to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1 (Single-Family Dwelling District) zoning with the added restriction to limit development of the property to ten (10) single-family detached dwelling units. Commissioner Wean seconded the motion, which then carried on a 7-0 vote.

Motion / Second

William Gusler / Paul Wean

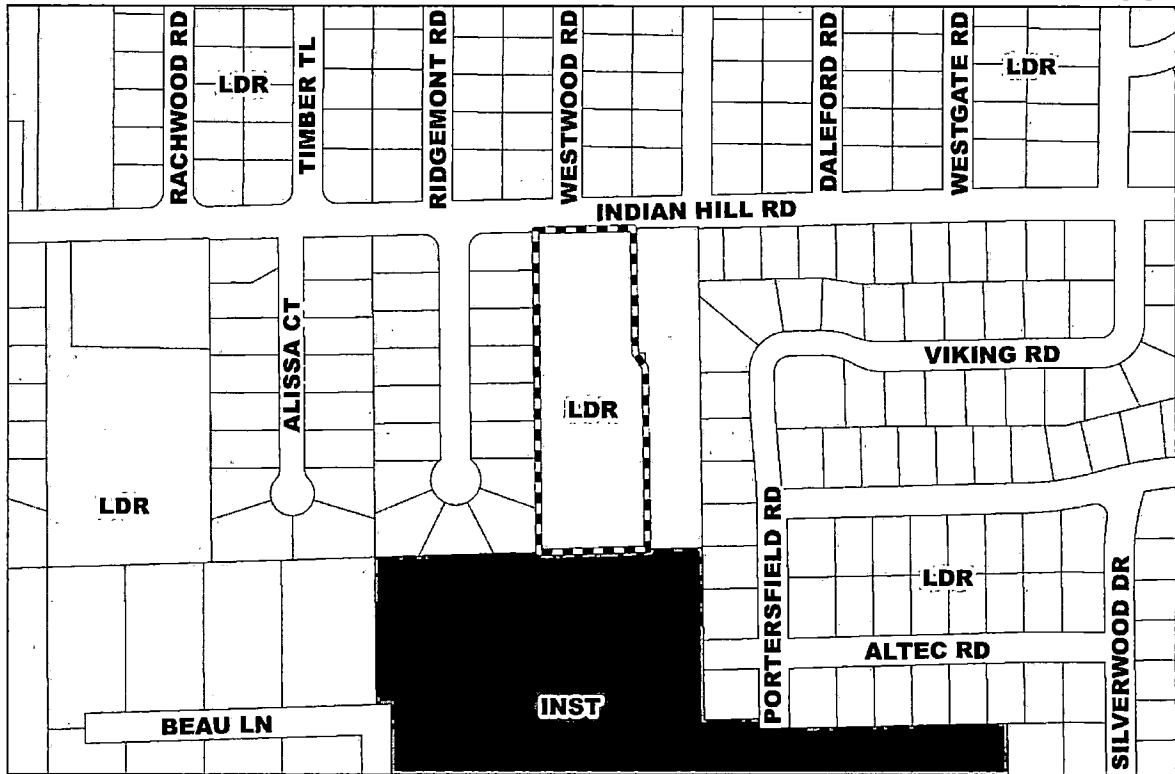
Voting in Favor

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

Absent

JaJa Wade and Yog Melwani

RZ-18-03-015



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Elizabeth Ayotunde

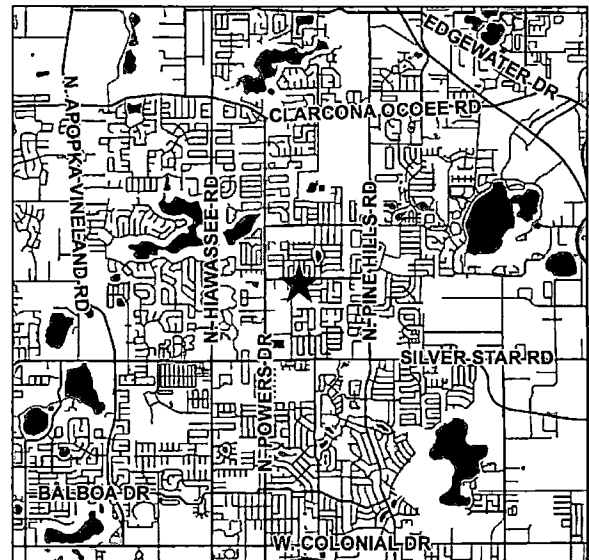
LOCATION: 5922 Indian Hill Road; or generally on the north side of Indian Hill Road, approximately 1,600 feet east of N. Powers Drive

TRACT SIZE: 3.093 gross acres

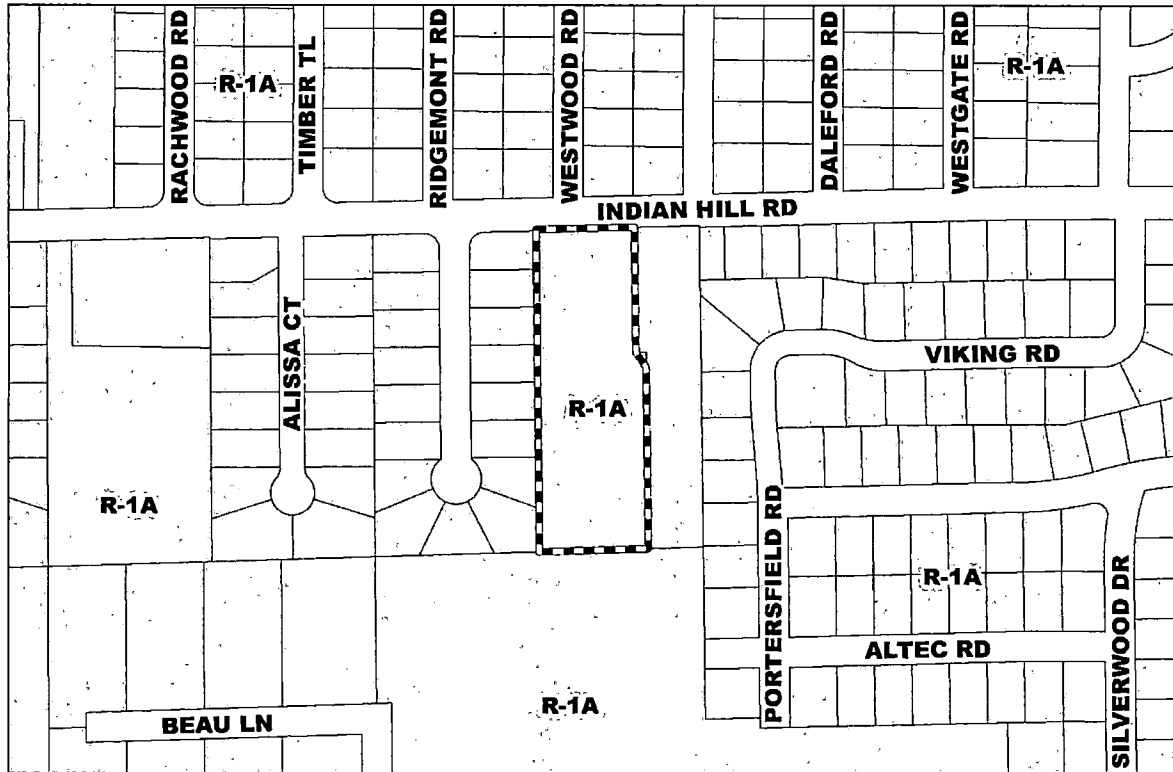
DISTRICT: # 2

S/T/R: 12/22/28

1 inch = 300 feet



RZ-18-03-015



Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: Elizabeth Ayotunde

LOCATION: 5922 Indian Hill Road; or generally on the
 north side of Indian Hill Road,
 approximately 1,600 feet east of N. Powers
 Drive

TRACT SIZE: 3.093 gross acres

DISTRICT: # 2

S/T/R: 12/22/28

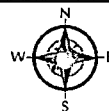
1 inch = 300 feet



RZ-18-03-015



 Subject Property

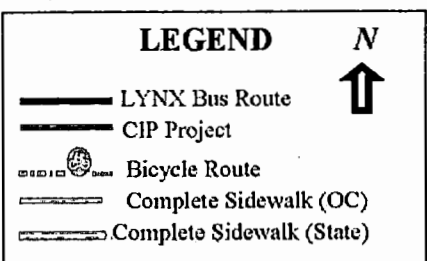


1 inch = 200 feet

Alternative Mobility Area (AMA) Context Map



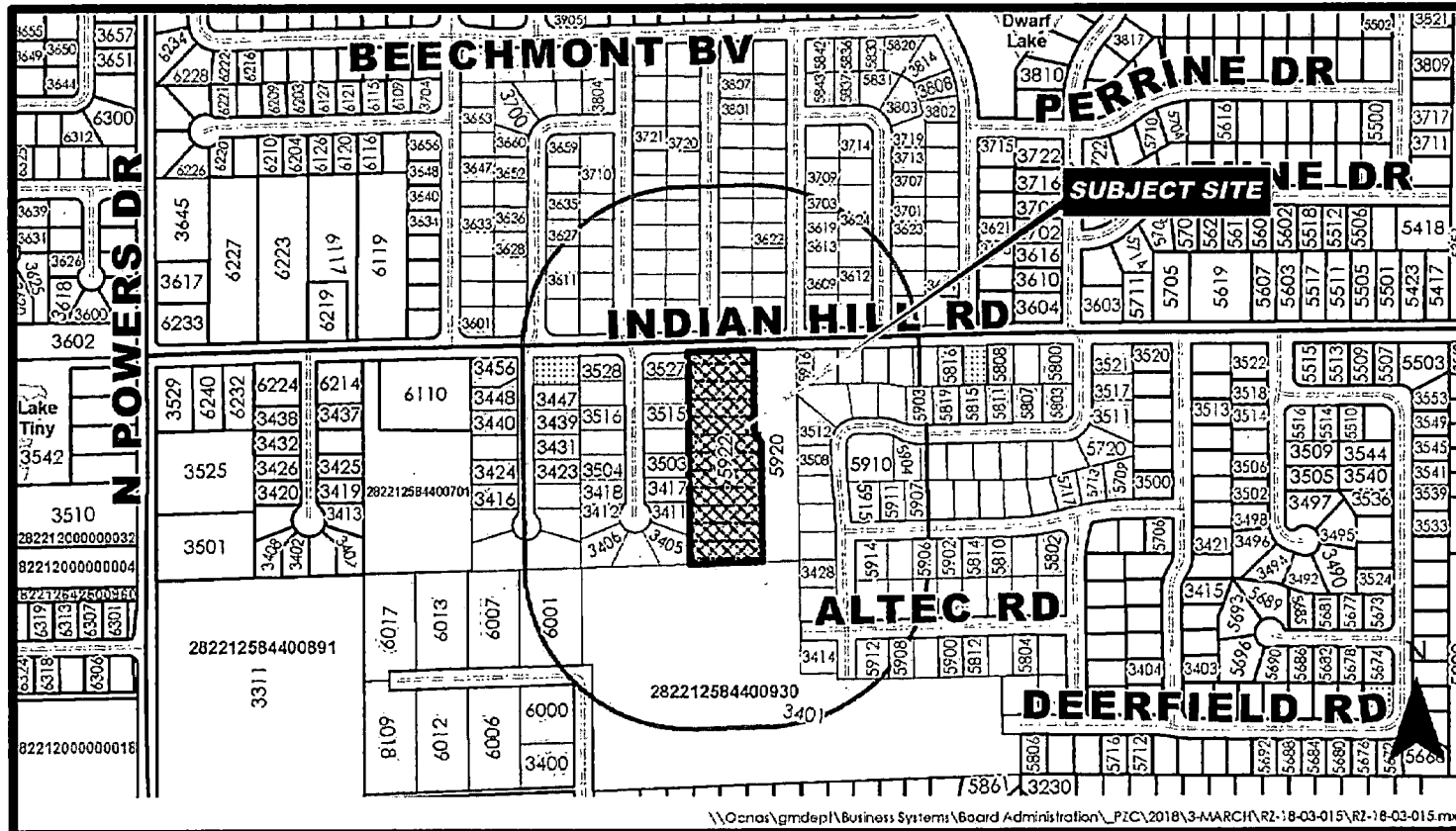
RZ-18-03-015
Planning Context Map





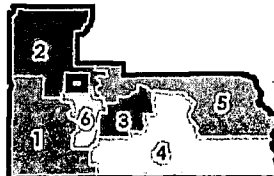
Public Notification Map RZ-18-03-015

500 FT BUFFER, 262 NOTICES



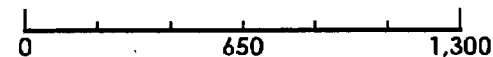
MAP LEGEND

- | | |
|------------------|------------------|
| SUBJECT | COURTESY NOTICES |
| 500_FT_BUFFER | PARCELS |
| HYDROLOGY | |
| NOTIFIED_PARCELS | |



1 inch = 431 feet

Feet



Notification Map

Case # RZ-18-03-015
Orange County Planning Division
PZC Hearing Date: March 15, 2018

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-016

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Thomas Ravenscroft
OWNER	Thomas S. Pulsifer and Susan T. Pulsifer
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to C-3 (Wholesale Commercial District)
LOCATION	540-580 Barry Street; or generally on the west side of Barry Street, approximately 600 feet south of W. Colonial Drive.
PARCEL ID NUMBERS	29-22-29-7056-02-130, 29-22-29-7026-02-140, and 29-22-29-7056-02-150
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. One hundred thirty-nine (139) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.002 gross acres
PROPOSED USE	Wholesale Commercial Uses

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 (Wholesale Commercial 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 C-3 uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-3 (Wholesale Commercial 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 Commercial (C). The C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation and the following applicable 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.

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

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

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

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

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

SITE DATA

Existing Use

Undeveloped Residential

Adjacent Zoning	N:	C-3 (Wholesale Commercial District) (2010)
	E:	C-3 (Wholesale Commercial District) (1977)
	W:	C-3 (Wholesale Commercial District) (1978, 2010)
	S:	C-3 (Wholesale Commercial District) (2001)
Adjacent Land Uses	N:	Religious Institution
	E:	Outdoor Storage
	W:	Religious Institution, Undeveloped Commercial
	S:	Undeveloped Commercial

C-3 (Wholesale Commercial District) Development Standards*

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	125 ft. (150 ft. corner lot) (on major streets, see Article XV)
Max. Height:	75 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential districts)
Side:	5 ft. (25 ft. when abutting residential districts)
Side Street:	15 ft.

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

Permitted Uses

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

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 540-580 Barry Street; or generally on the west side of Barry Street, approximately 600 feet south of W. Colonial Drive. The subject

property is currently undeveloped and the immediate area is developed with a varying intensities of commercial uses.

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to C-3 (Wholesale Commercial District) in order to develop wholesale commercial uses.

The subject property is currently an enclave of single-family residential zoning surrounded by commercial development. The existing R-1A zoning would not be able to immediately develop as residential due to the inconstancy of the zoning with the Commercial Future Land Use Map (FLUM) designation. Any residential development would require a FLUM amendment to Low Density Residential.

Given the existing development trends adjacent to the property, single-family development is not compatible with the neighborhood and the requested rezoning to commercial, compared to a residential FLUM amendment, would be more consistent and compatible with current and expected future development trends.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a 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

All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

The site discharges into the Little Wekiva Canal, which has established Total Maximum Daily Loads (TMDL) for fecal coliform bacteria. 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 the adopted Wekiva Basin Management Action Plan (BMAP).

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

Transportation / Access

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter mile walking distance along West Colonial Drive and along Old Winter Garden Road. The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network. There is no signed bicycle route/lane within the project impact area.

All roadway segments within a one mile radius of this project operate at acceptable level of service conditions.

The applicant will be required to obtain an approved Capacity Encumbrance Letter (CEL) prior to obtaining a building permit. A mobility analysis may be also required based on the level of development and PM peak hour trips that will be generated. Prior to submitting an application for a CEL, the applicant should contact Transportation Planning regarding the methodology for conducting a mobility analysis.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

Schools

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

Parks and Recreation

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

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 – (March 15, 2018)

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

Staff indicated that one hundred thirty-nine (139) notices were mailed to surrounding property owners within a buffer extending 1,500 feet from the subject property, with zero (0) commentaries received in support or in opposition to the request. The applicant was present and agreed with the staff recommendation of approval.

After limited discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-3 (Wholesale Commercial District) zoning. Commissioner Spears seconded the motion, which then carried on a 7-0 vote.

Motion / Second

Pat DiVecchio / Gordon Spears

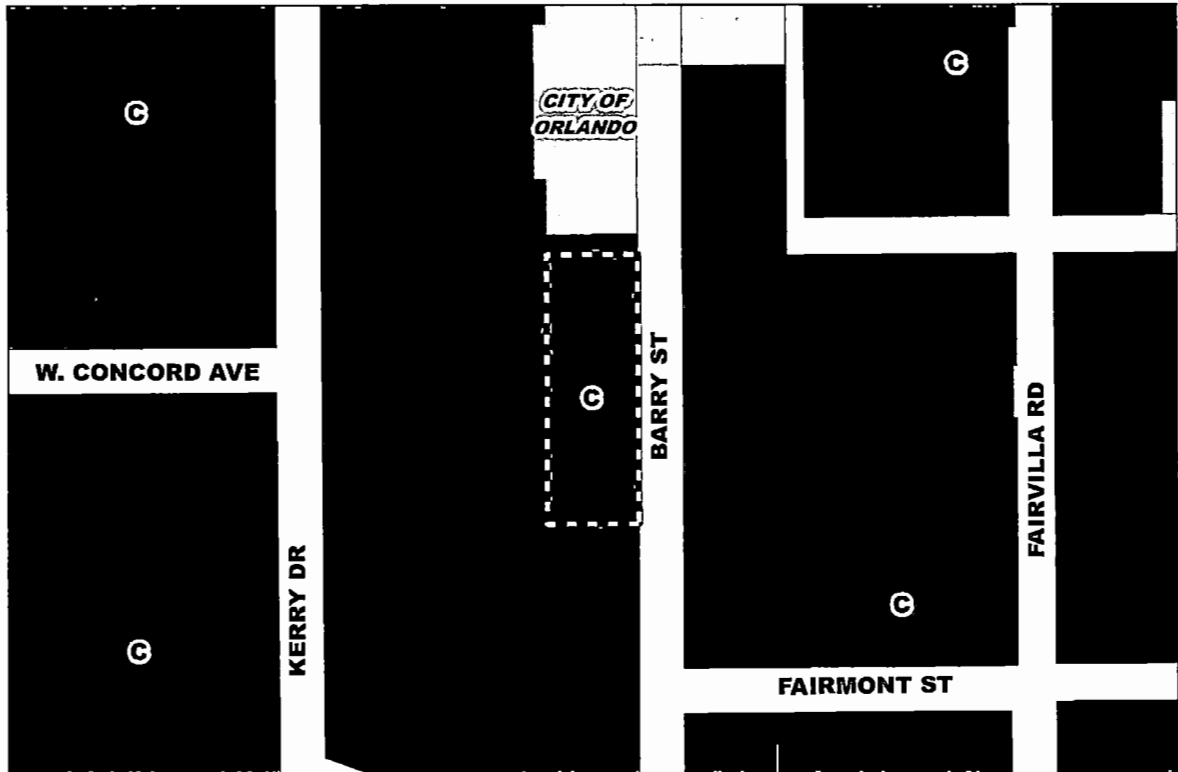
Voting in Favor

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

Absent

JaJa Wade and Yog Melwani

RZ-18-03-016



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Thomas Ravenscroft

LOCATION: 540-580 Barry Street; or generally on the west side of Barry Street, approximately 600 feet south of W. Colonial Drive

TRACT SIZE: 1.002 gross acres

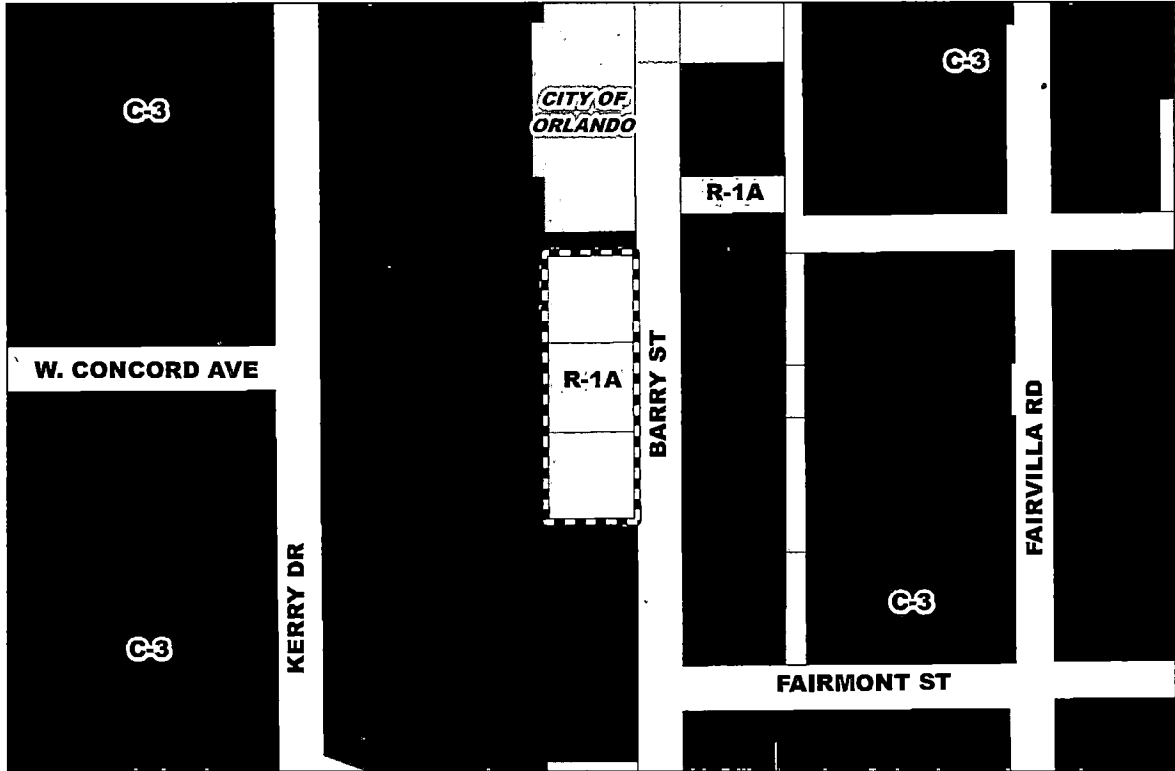
DISTRICT: # 6

S/T/R: 29/22/29

1 inch = 200 feet



RZ-18-03-016



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to
 C-3 (Wholesale Commercial District)

APPLICANT: Thomas Ravenscroft

LOCATION: 540-580 Barry Street; or generally on the
 west side of Barry Street, approximately
 600 feet south of W. Colonial Drive

TRACT SIZE: 1.002 gross acres

DISTRICT: # 6

S/T/R: 29/22/29

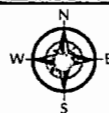
1 inch = 200 feet



RZ-18-03-016

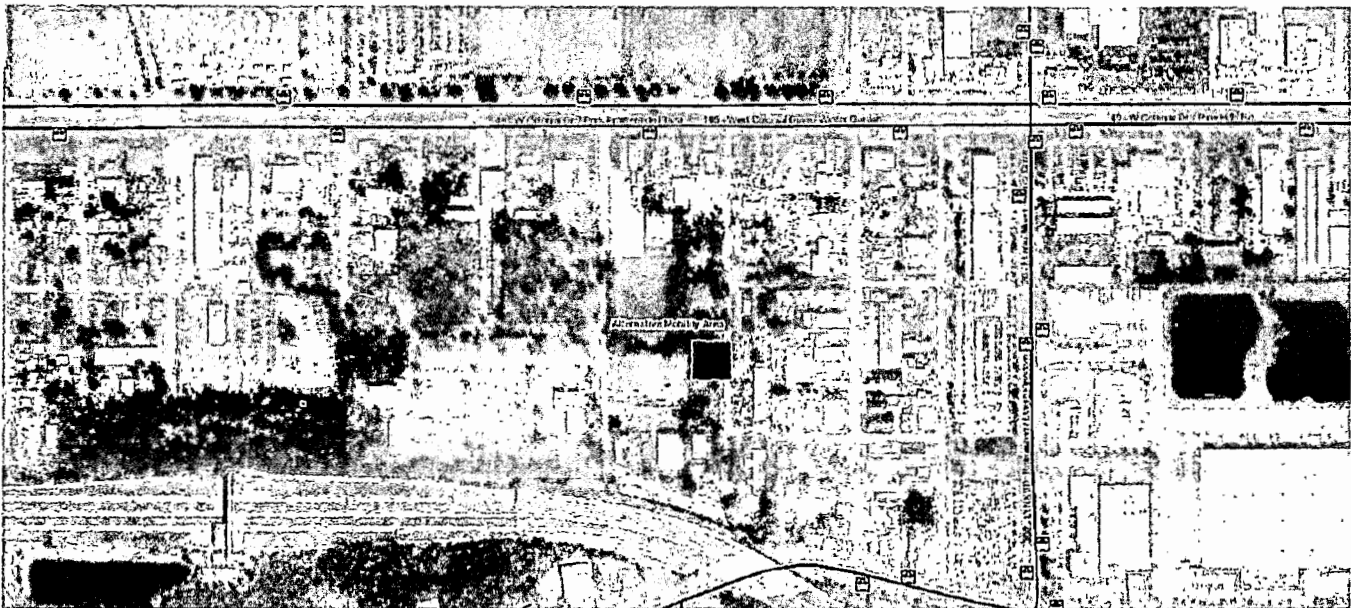


 Subject Property

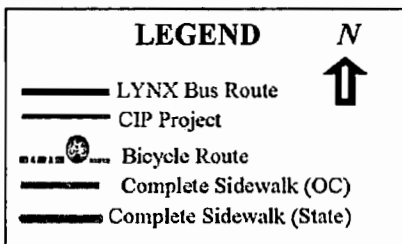


1 inch = 150 feet

Alternative Mobility Area (AMA) Context Map



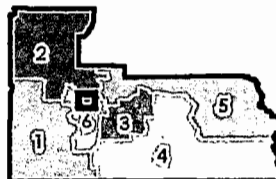
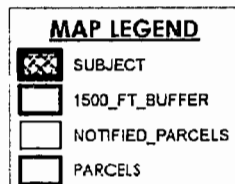
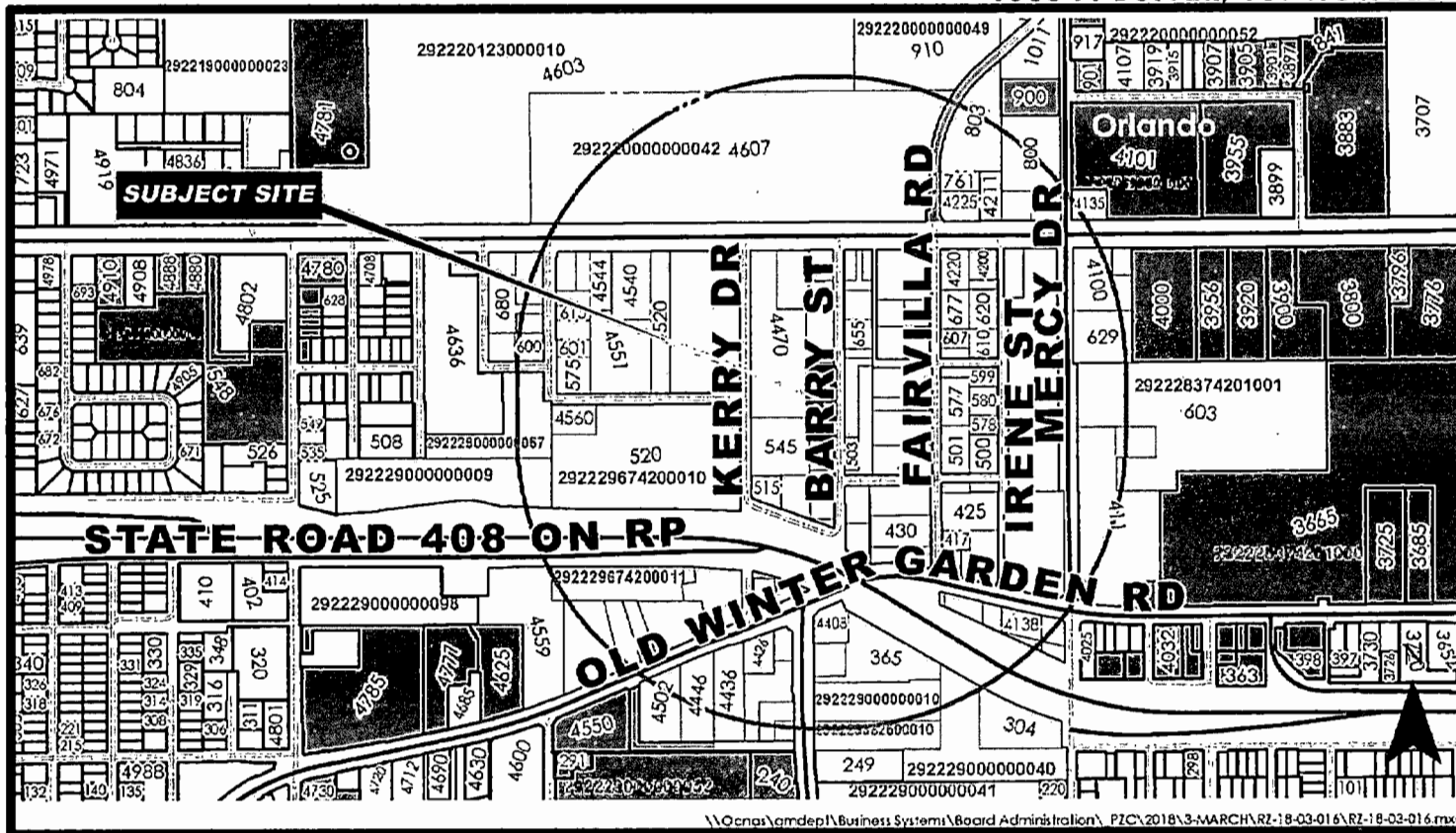
RZ-18-03-016
Planning Context Map



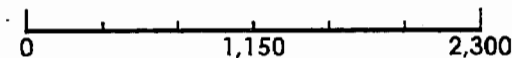


Public Notification Map RZ-18-03-016

1500 FT BUFFER, 139 NOTICES



1 inch = 732 feet
Feet



Notification Map

Case # RZ-18-03-016
Orange County Planning Division
PZC Hearing Date: March 15, 2018

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-017

Commission District: # 3

GENERAL INFORMATION

APPLICANT	Patrick M. Lynch
OWNER	Patrick M. Lynch and Marinete Lynch
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	1034 Dennis Avenue; or generally on the west side of Dennis Avenue, approximately 200 feet north of Curtis Street.
PARCEL ID NUMBERS	22-22-30-0228-03-180
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 800 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code</i> <i>requires 300 feet</i>]. One hundred twelve (112) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.695-gross acre
PROPOSED USE	Four (4) Single-Family Dwelling Units

STAFF RECOMMENDATION

PLANNING

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

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

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

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957)
	E: R-1A (Single-Family Dwelling District) (1957)
	W: R-1A (Single-Family Dwelling District) (1957)
	S: R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses N: Single-Family Residential
 E: Single-Family 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 1034 Dennis Avenue; or generally on the west side of Dennis Avenue, approximately 200 feet north of Curtis Street. The property is currently undeveloped.

The subject parcel was originally platted as five (5) 45' x 135.72' lots (Lots 18-22, Block C) within the Arcadia Terrace Subdivision. The plat for the Arcadia terrace Subdivision was recorded on April 22, 1947. Today, the subdivision can be characterized as being developed with single-family dwelling development with various parcel dimensions. The smallest parcel being 50' wide and 7,500 square feet in area.

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 develop up to four (4) single-family detached dwellings, which is consistent with the existing development pattern. If the property was equally split into four (4) parcels, each parcel would be 7,568 square feet in area and 56.25' in width.

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

Environmental

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

Transportation / Access

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a one (1) mile walking distance along East Colonial Drive. The subject parcel is adjacent to Dennis Avenue, a two lane local roadway along which there are no sidewalks on either side of the road. There is no signed bicycle route/lane within the project impact area.

The proposed single family dwelling units will generate 5 PM peak hour trips, which will not result in any significant impacts to the local road and is considered "de minimus".

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	Unavailable
Reclaim Water:	Orange County Utilities	Unavailable

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 did not comment on this case, as it does not involve an increase in residential units or density.

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 – (March 15, 2018)

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that one hundred twelve (112) notices were mailed to surrounding property owners within a buffer extending 800 feet from the subject property, with two (2) commentaries received in opposition to the request and zero (0) received in support. The applicant was present and agreed with the staff recommendation of approval.

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

Motion / Second

Tina Demostene / Jose Cantero

Voting in Favor

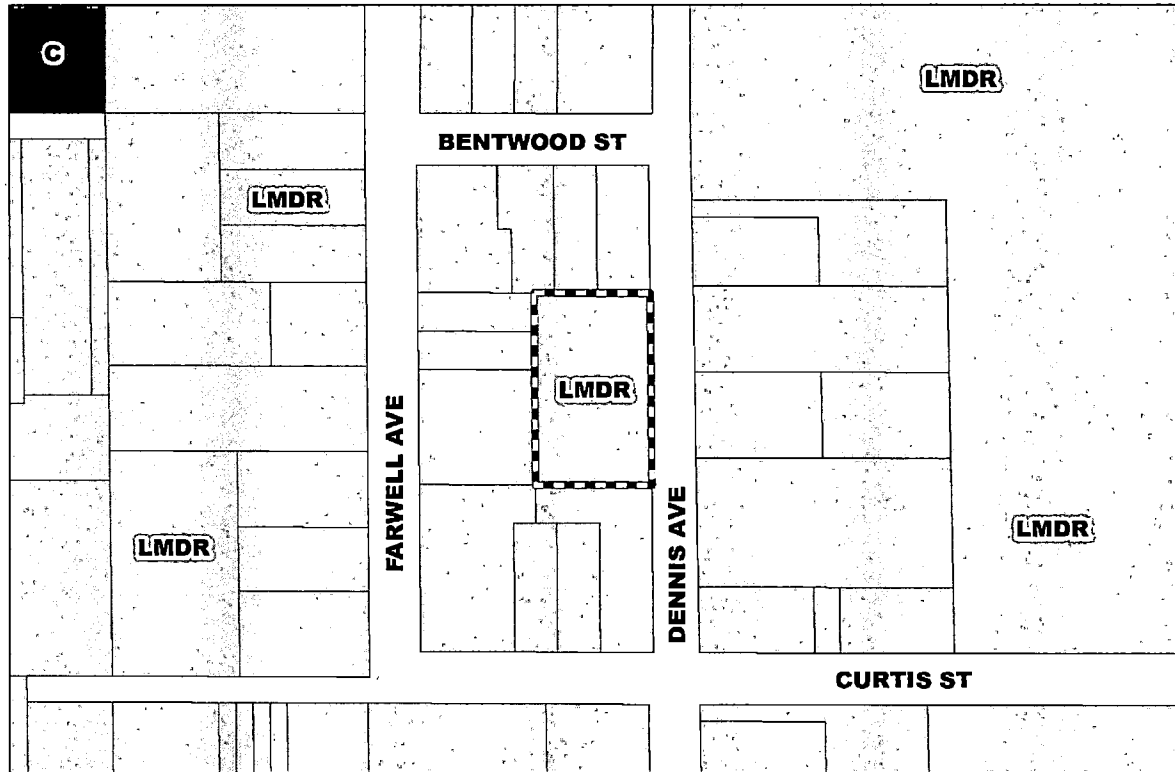
Tina Demostene, Jose Cantero, James Dunn, Paul

*Wean, Pat DiVecchio, William Gusler, and Gordon
Spears*

Absent

JaJa Wade and Yog Melwani

RZ-18-03-017



Subject Property

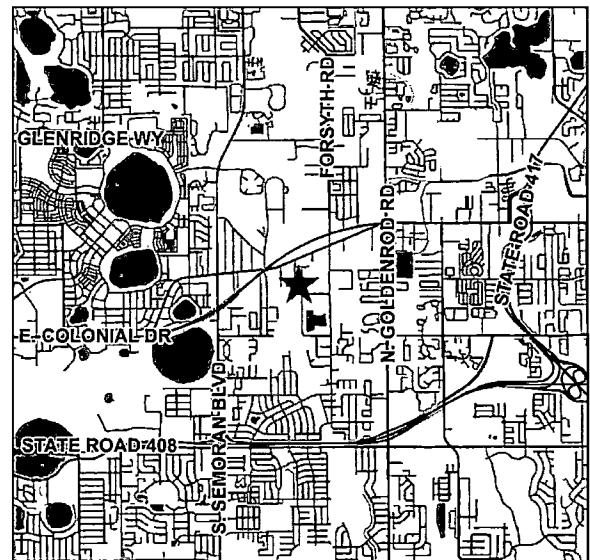


★ Subject Property

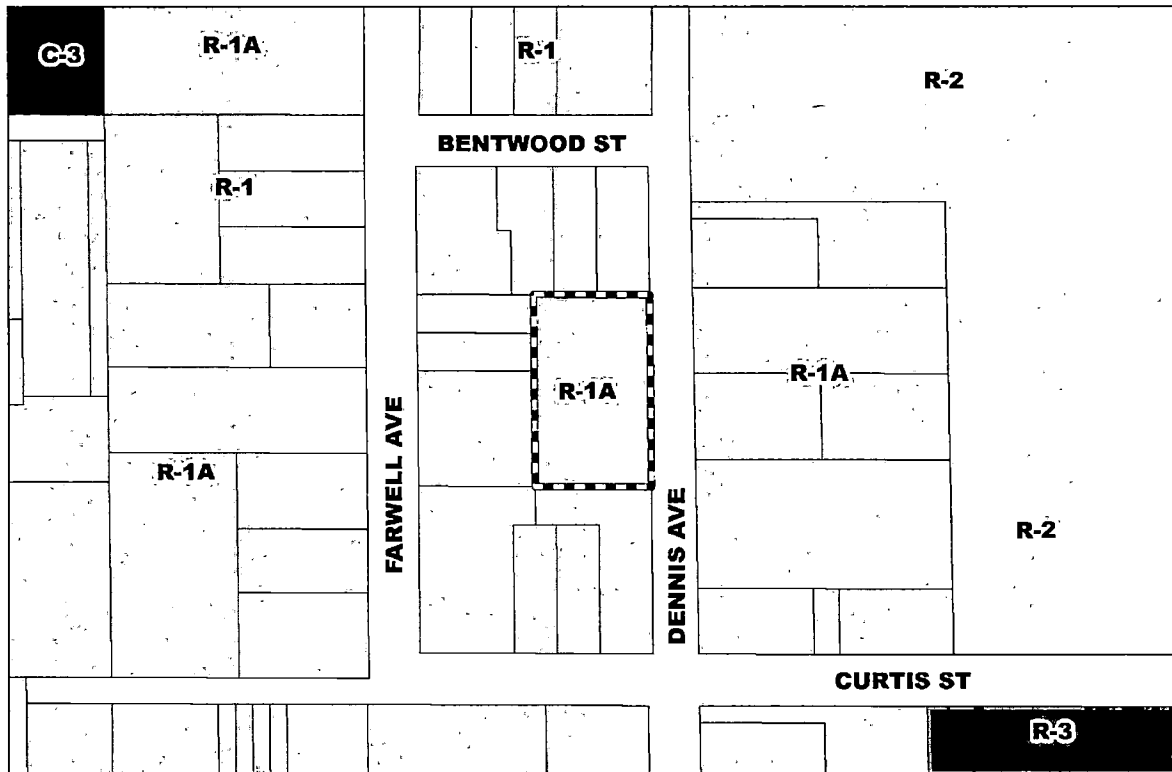
Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)
APPLICANT: Paul M. Lynch
LOCATION: 1034 Dennis Avenue; or generally on the west side of Dennis Avenue, approximately 200 feet north of Curtis Street
TRACT SIZE: 0.695-gross acre
DISTRICT: # 3
S/T/R: 22/22/30

1 inch = 175 feet



RZ-18-03-017



Subject Property



★ Subject Property

Zoning Map

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

APPLICANT: Paul M. Lynch

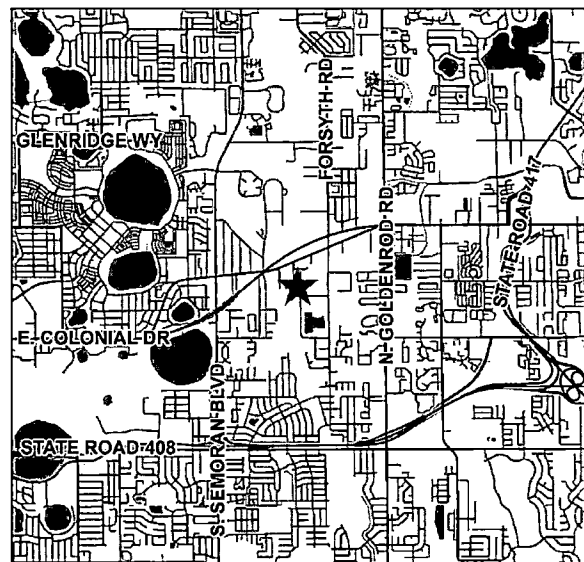
LOCATION: 1034 Dennis Avenue; or generally on the
 west side of Dennis Avenue, approximately
 200 feet north of Curtis Street

TRACT SIZE: 0.695-gross acre

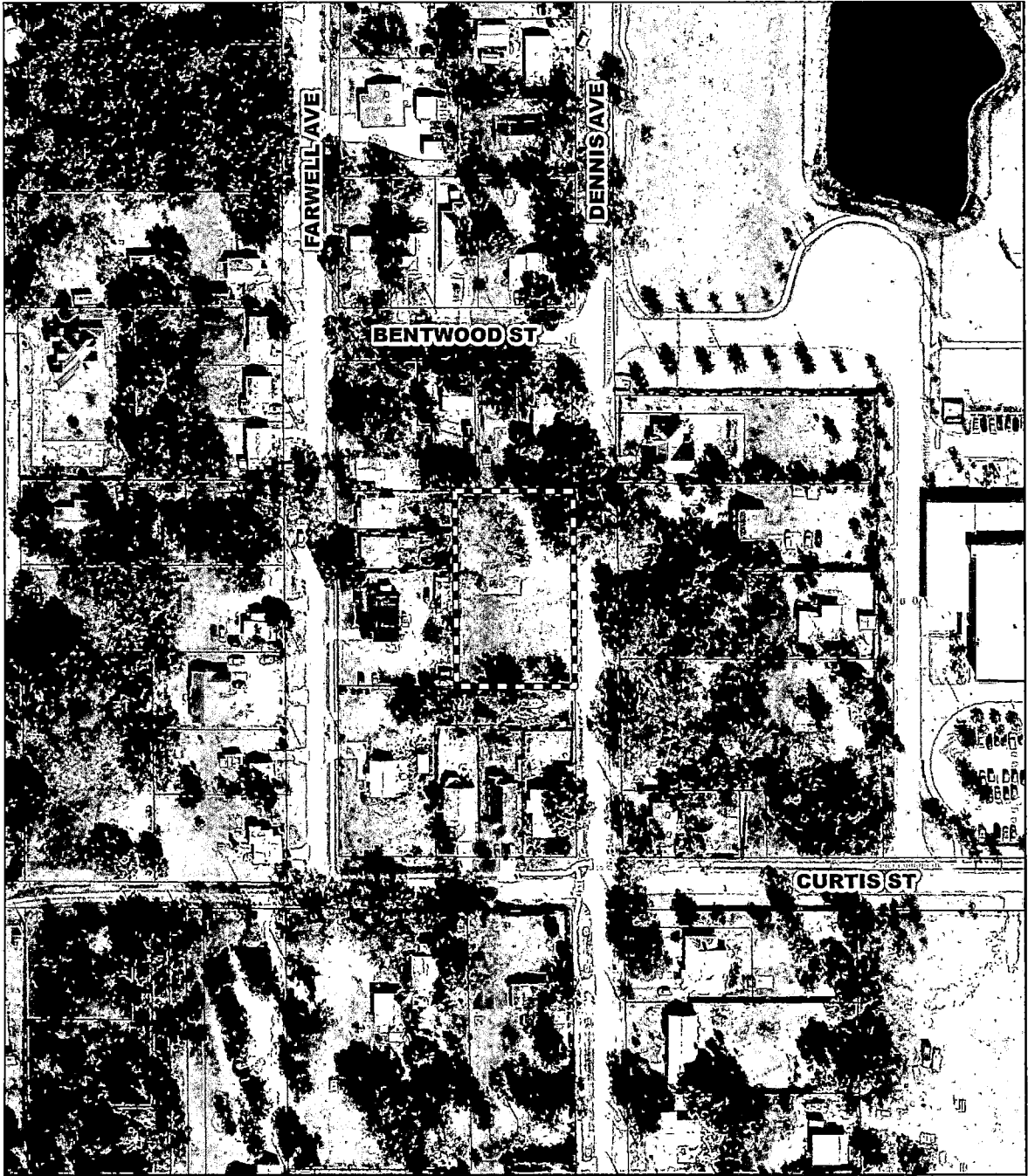
DISTRICT: # 3

S/T/R: 22/22/30

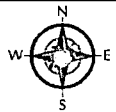
1 inch = 175 feet



RZ-18-03-017

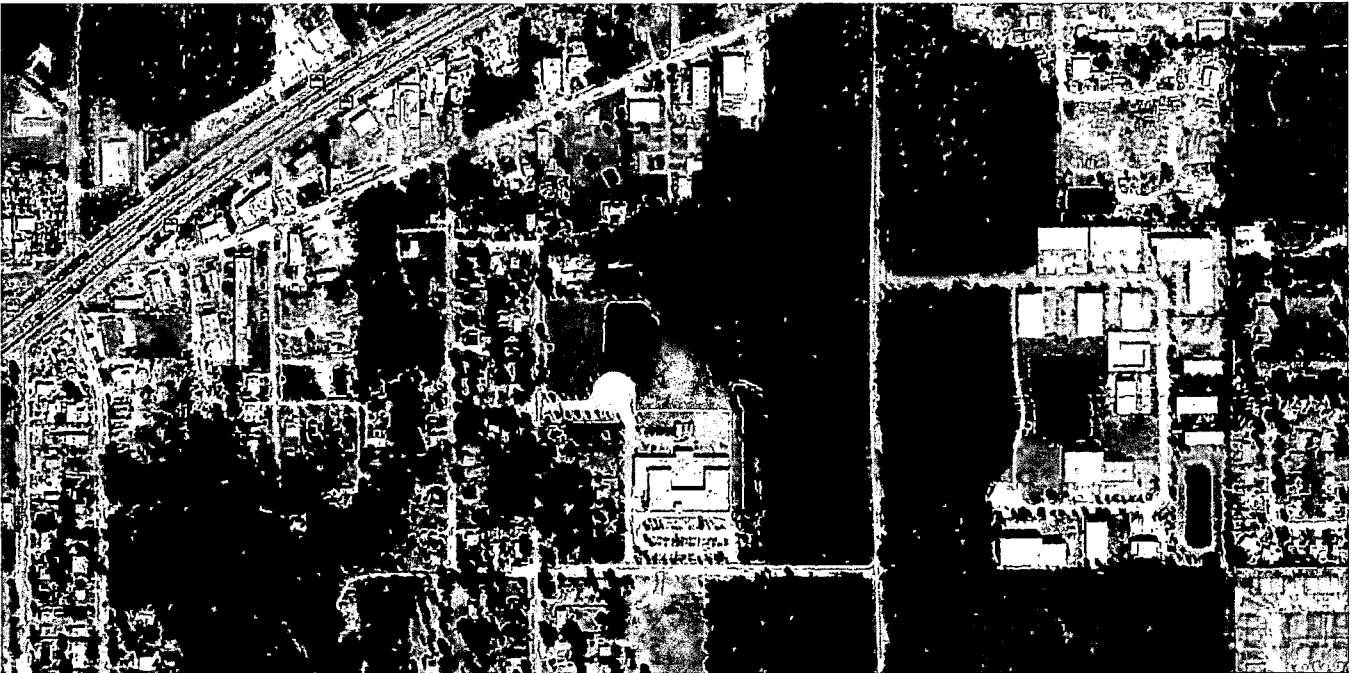


 Subject Property



1 inch = 150 feet

Alternative Mobility Area (AMA) Context Map



RZ-18-03-017
 Planning Context Map

LEGEND

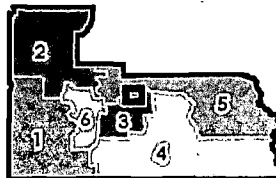
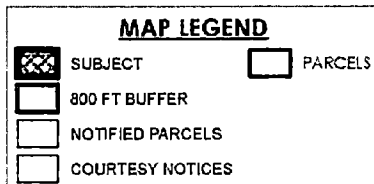
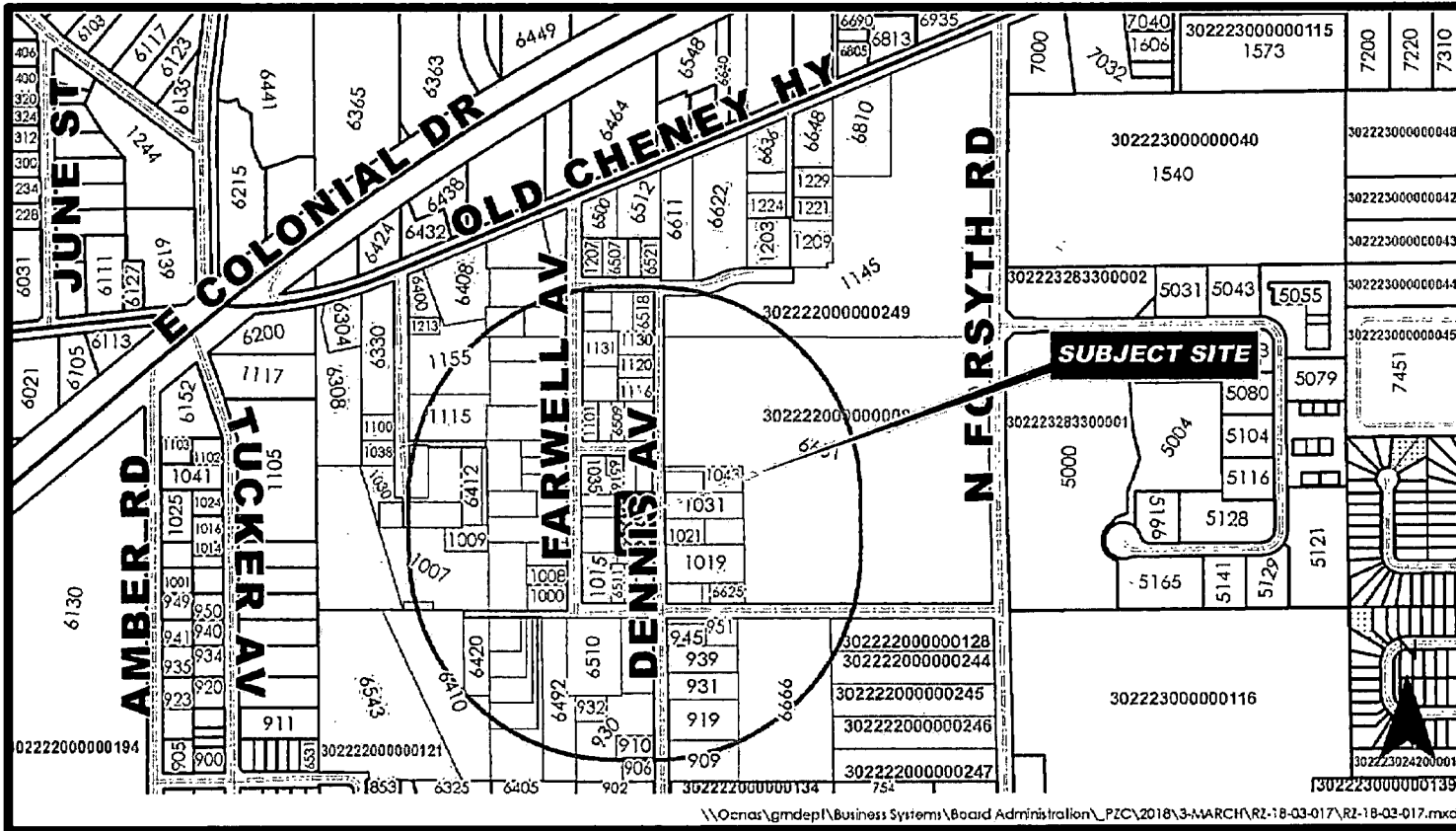
- LYNX Bus Route
- CIP Project
- Bicycle Route
- Complete Sidewalk (OC)
- Complete Sidewalk (State)

N

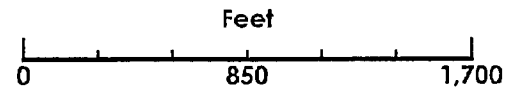


Public Notification Map RZ-18-03-017

800 FT BUFFER, 112 NOTICES



1 inch = 547 feet



Notification Map

Case # RZ-18-03-017
Orange County Planning Division
PZC Hearing Date: March 15, 2018

Case Planner:
Nicolas Thalmueller

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-018

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Juan Feng
OWNERS	Juan Feng
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to C-1 (Retail Commercial District)
LOCATION	602 Paul Avenue; or generally on the northwest corner of the intersection of W. Concord Street and Paul Avenue.
PARCEL ID NUMBER	25-22-28-0352-19-470
PUBLIC NOTIFICATION	The notification area for this public hearing was 1000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred (200) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.141-gross acre
PROPOSED USE	Retail Commercial Uses

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following variances and restrictions:

Variances:

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 55 feet, in lieu of the required 60-foot lot width in the C-1 zoning district; and
- 2) A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 4791.6 square feet, in lieu of the required 6,000 square foot lot area in the C-1 zoning district.

Restrictions

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). 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;
- 3) 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 C-1 uses.

IMPACT ANALYSIS

Land Use Compatibility

The C-1 (Retail Commercial 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 Commercial (C). The proposed C-1 (Retail Commercial District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

FLU1.1.1 states that urban uses shall be concentrated within the Urban Service Area.

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

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

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

OBJ FLU2.1 states that Orange County shall promote and encourage infill development for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

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: R-2 (Residential District) (1957) E: R-2 (Residential District) (1968) W: R-2 (Residential District) (1957) S: R-2 (Residential District) (1957)
Adjacent Land Uses	N: Duplex E: Religious/Church W: Duplex S: Expressway

C-1 (RETAIL COMMERCIAL DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	80 ft. (on major streets, see Article XV) 60 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	20 ft.
Side:	0 ft. (15 ft. when abutting residential districts)
Side Street:	15 ft.

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

Permitted Uses

The intent and purpose of this C-1 retail-commercial district are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

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 602 Paul Avenue; or generally on the northwest corner of the intersection of W. Concord Street and Paul Avenue. The property is currently developed with a 1,462 square foot single-family detached dwelling.

Through this request, the applicant is seeking to rezone the subject parcel from R-2 (Residential District) to C-1 (Retail Commercial District) in order to develop the property with retail commercial uses. The applicant has stated that the existing single-family dwelling would be converted into a commercial building. Due to the site dimensions, two (2) variances to lot width and size are also being requested. The applicant is aware of the Type "C" buffer that is required due to the adjacency of residential to the north and west of the subject property and also the possibility of variances needed for building setbacks.

The County's Future Land Use Map (FLUM) establishes commercial and office land uses along this corridor between W. Colonial Drive and State Road 408. The subject property is located in a remnant enclave of R-2 (Residential District) zoning within this corridor that is inconsistent with the underlying Commercial (C) FLUM designation and this rezoning would bring the property into consistency with its FLUM designation. Existing development in the surrounding area is characterized as a mixture of retail and general commercial development uses with only a few remaining residences on W. Concord Street and Paul Avenue.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a 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

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278. In addition, 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 the adopted Lake Okeechobee Basin Management Action Plan (BMAP).

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

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.

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

Transportation / Access

This project is in the Alternative Mobility Area and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter mile walk distance along West Colonial Drive. The area is well served by an interconnected network of public sidewalks and the proposed development will connect to the existing sidewalk network. There is also a signed bicycle route/lane within the project impact area, along West Colonial Drive.

Prior to obtaining a building permit, approval from the concurrency management office will be required. Based on the development program for the proposed retail use, a mobility analysis may also be required.

Code Enforcement

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

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	A 6-inch forcemain is located within the W. Colonial Drive right-of-way.
Reclaimed Water	Orange County Utilities	Not currently available.

Schools

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

Parks and Recreation

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

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

PZC Recommendation – (March 15, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following variances and restrictions:

Variances:

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 55 feet, in lieu of the required 60-foot lot width in the C-1 zoning district; and
- 2) A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 4791.6 square feet, in lieu of the required 6,000 square foot lot area in the C-1 zoning district.

Restrictions

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). 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;
- 3) 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 C-1 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 C-1 (Retail Commercial District) zoning.

Staff indicated that two-hundred (200) notices were mailed to surrounding property owners within a buffer extending 1,000 feet from the subject property, with zero (0) received in favor or in opposition of the request. The applicant was present and agreed with the staff recommendation of approval.

Following limited discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) zoning district, subject to the two (2) variances and three (3) restrictions listed in the staff report. Commissioner Gusler seconded the motion, which then carried on a 6-1 vote.

Motion / Second

Pat DiVecchio / William Gusler

Voting in Favor

Pat DiVecchio, William Gusler, James Dunn, Gordon Spears, Jose Cantero, and Paul Wean

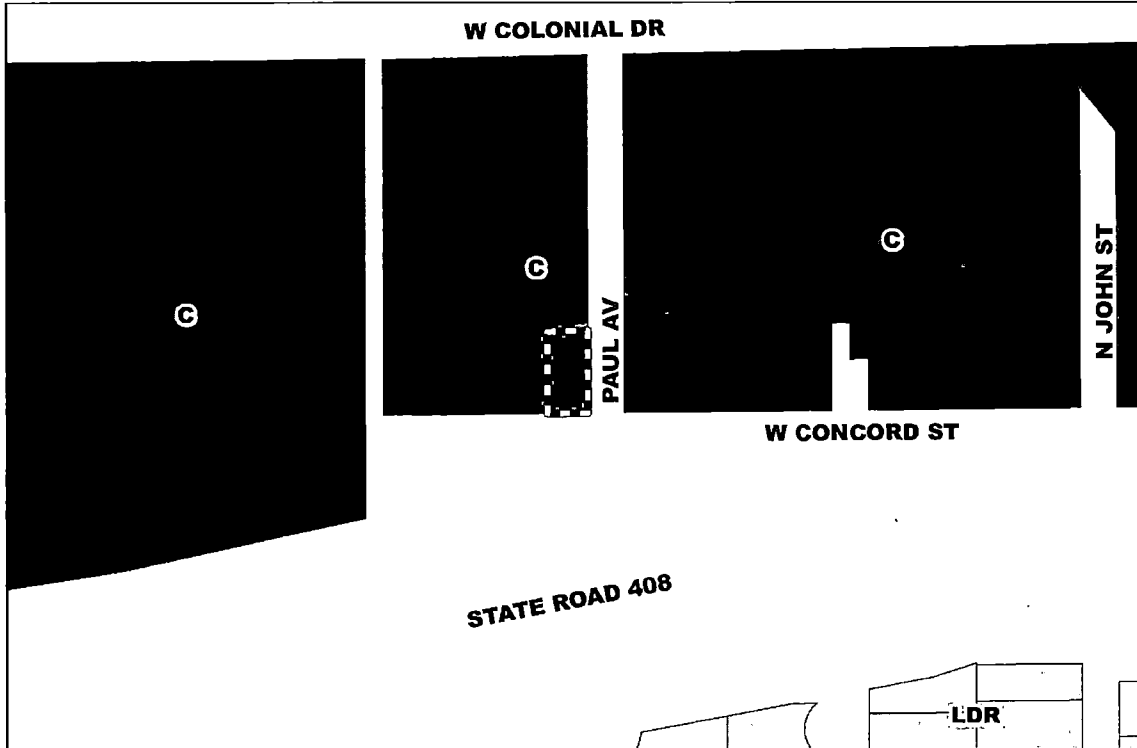
Voting in Opposition

Tina Demostene

Absent

JaJa Wade and Yog Melwani

RZ-18-03-018



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Juan Feng

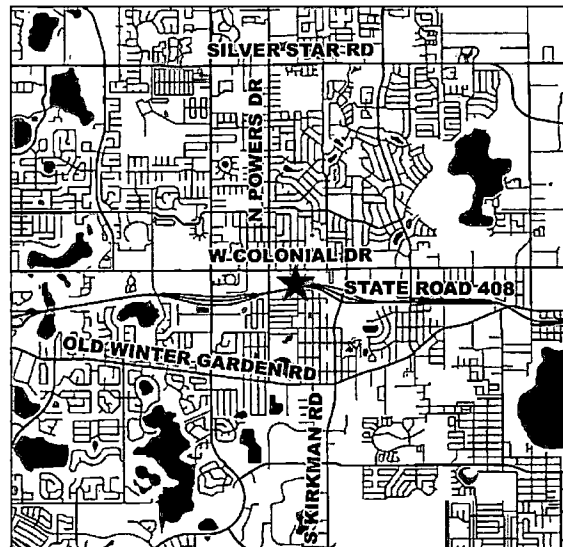
LOCATION: 602 Paul Avenue; or generally on the northwest corner of the intersection of W Concord Street and Paul Avenue.

TRACT SIZE: 0.141-gross acre

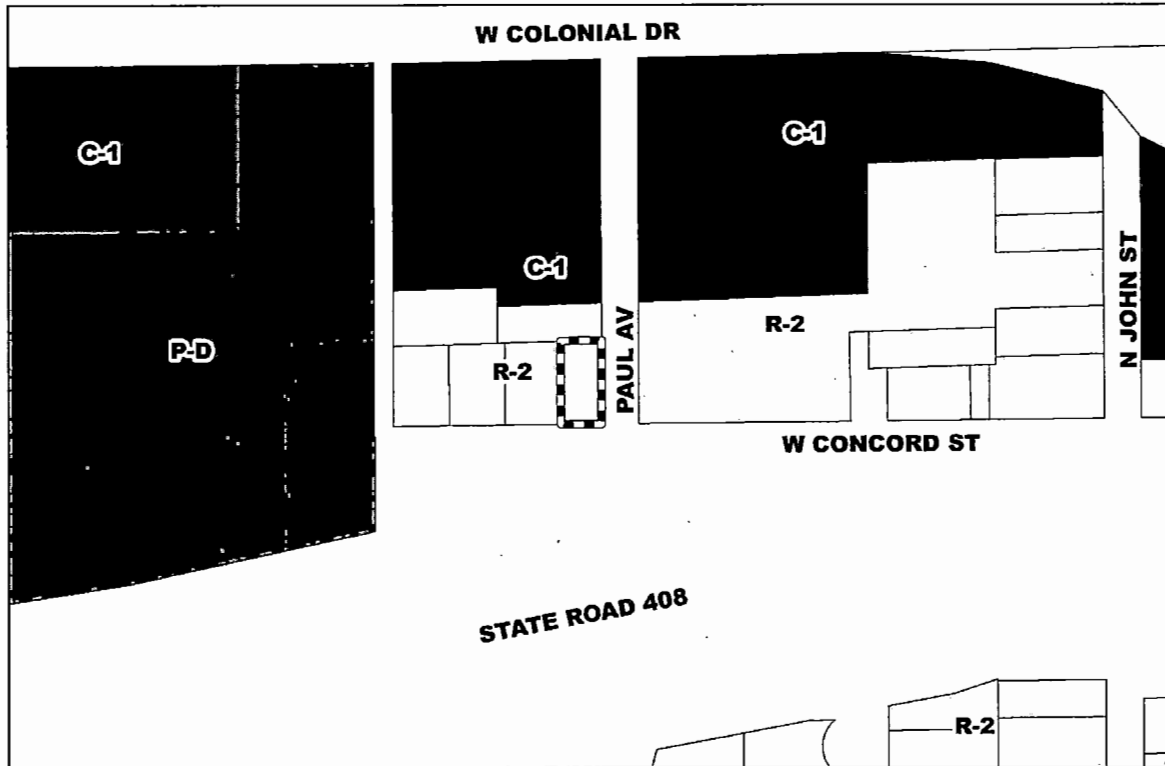
DISTRICT: # 6

S/T/R: 25/22/28

1 inch = 200 feet



RZ-18-03-018



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-2 (Residential District) to
 C-1 (Retail Commercial District)

APPLICANT: Juan Feng

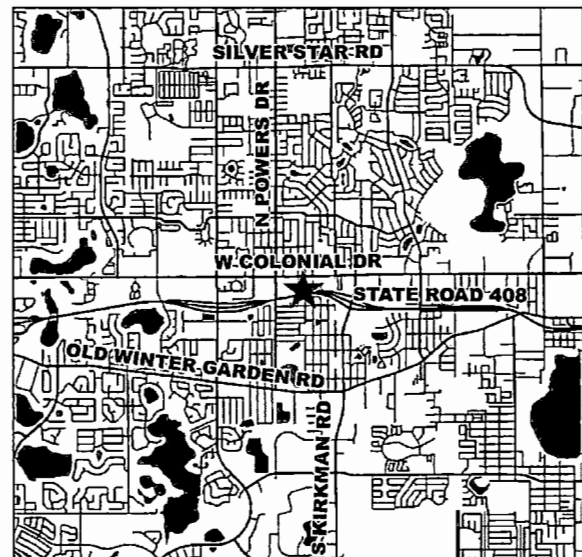
LOCATION: 602 Paul Avenue; or generally on the
 northwest corner of the intersection of
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TRACT SIZE: 0.141-gross acre

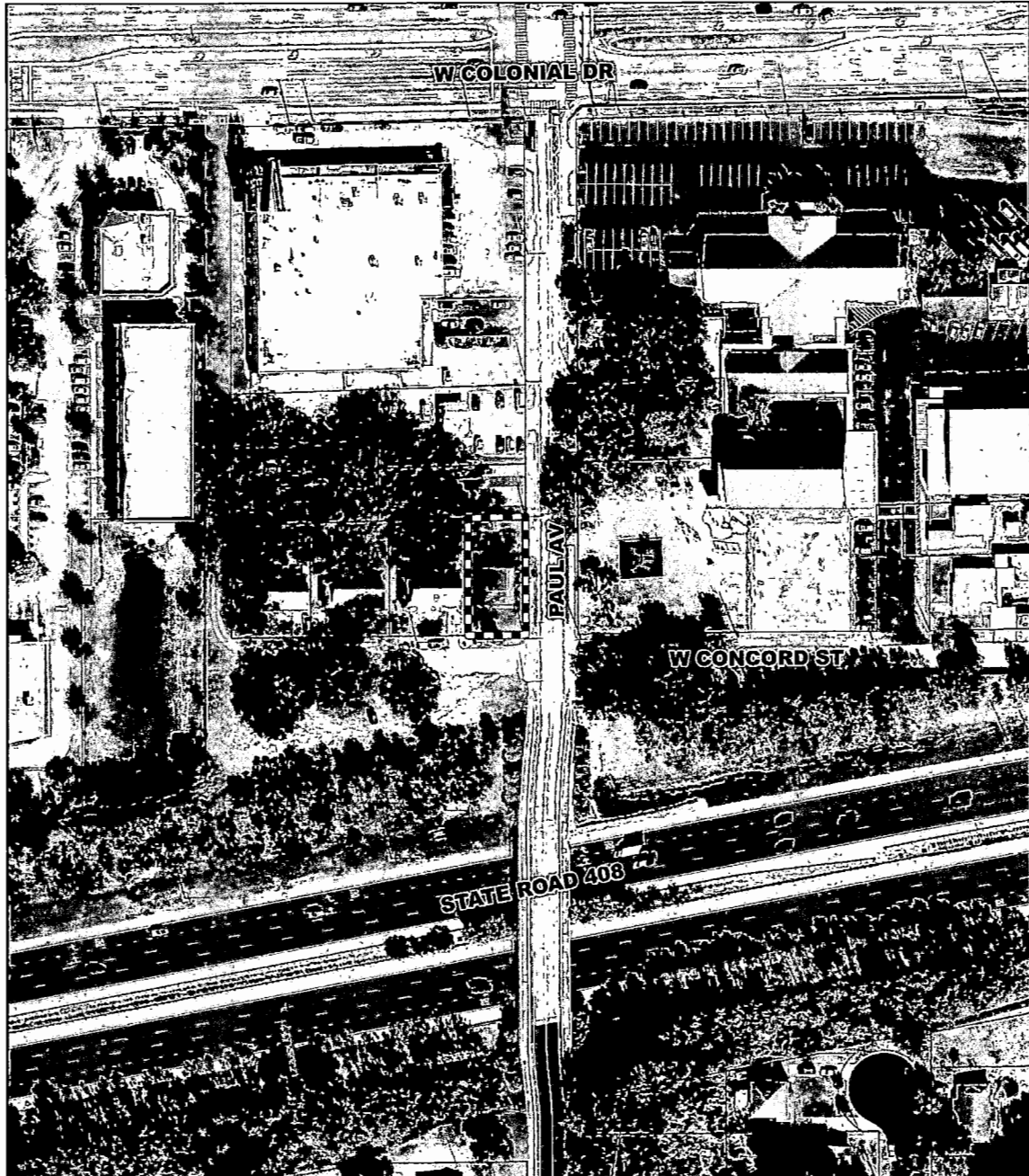
DISTRICT: # 6

S/T/R: 25/22/28

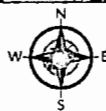
1 inch = 200 feet



RZ-18-03-018



 Subject Property



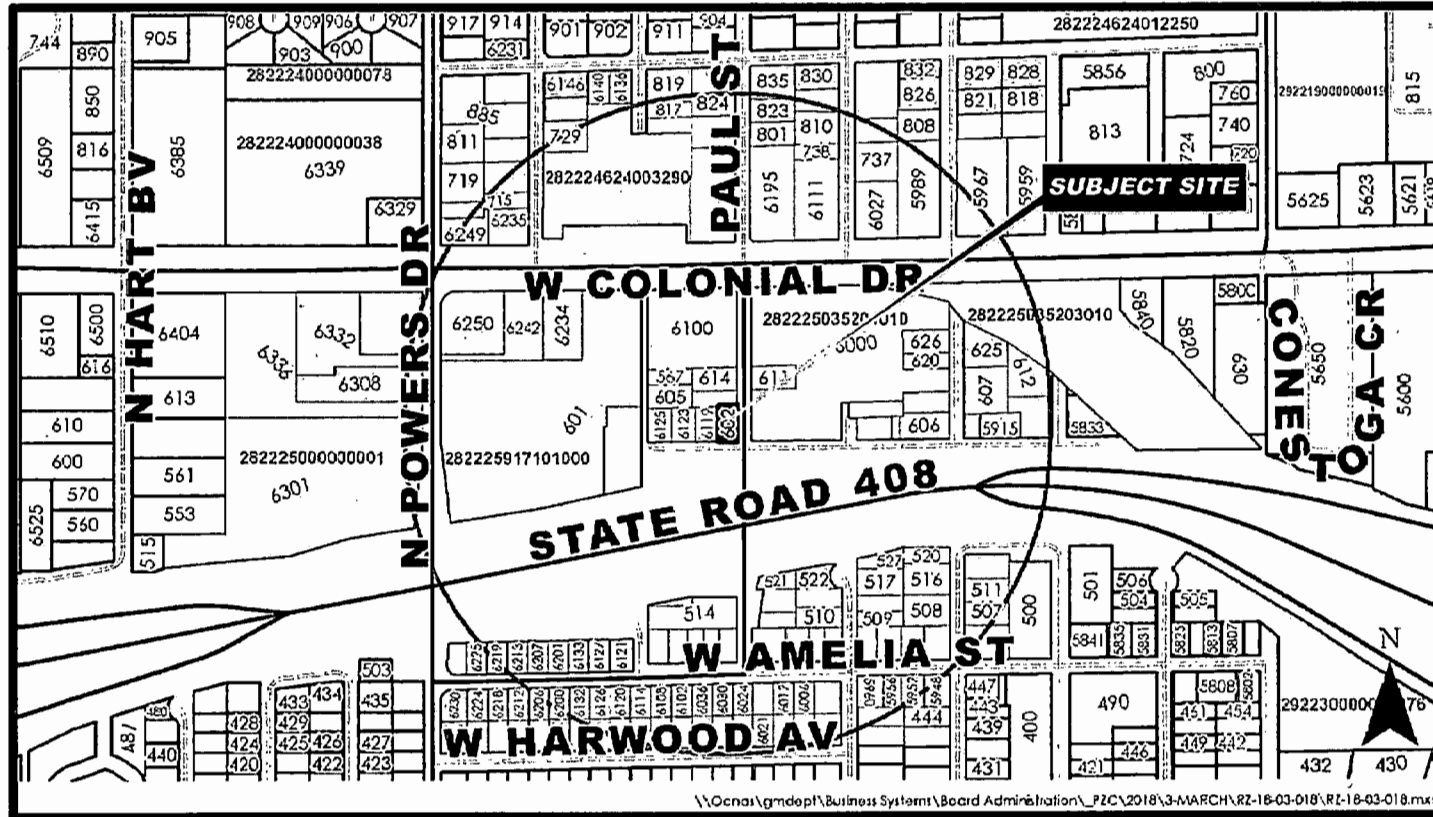
1 inch = 125 feet



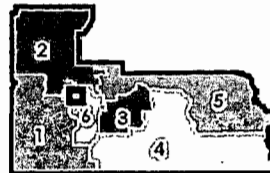
Public Notification Map

RZ-18-03-018

1000 FT BUFFER, 200 NOTICES

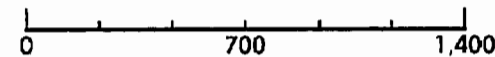


MAP LEGEND	
	SUBJECT
	1000_FT_BUFFER
	HYDROLOGY
	NOTIFIED_PARCELS
	COURTESY NOTICES
	PARCELS



1 inch = 447 feet

Feet



Notification Map

Case # RZ-18-03-018
Orange County Planning Division
PZC Hearing Date: March 15, 2018

Case Planner:
Nicolas Thalmueller

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018



Interoffice Memorandum

DATE: March 7, 2018

TO: Chairman James P. Dunn
-AND-
Planning and Zoning Commission (PZC)

FROM: Eric Raasch, AICP, Chief Planner
Planning Division

SUBJECT: March 15, 2018 – Public Hearing
RZ-18-03-019 / Conventional Rezoning
Kelly Froelich for Rashid Khatib and Zahi Khouri (8202 Turkey
Lake Road)

Case RZ-18-03-109, in the name of Kelly Froelich for Rashid Khatib and Zahi Khouri, has been withdrawn by the applicant and will not be heard at the March 15, 2018 PZC meeting.

EPR

Case Planner:
Steven Thorp

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: March 15, 2018

CASE # RZ-18-03-020

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Miguel Crespo
OWNER	Miguel Crespo and Gladys Santiago
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District)
LOCATION	331 4th Street; or generally on the north side of 4th Street, approximately 350 feet west of Boyce Avenue.
PARCEL ID NUMBERS	01-24-29-8516-30-310
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>]. One hundred forty-three (143) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	0.195-gross acre
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 character of the surrounding area and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The R-T-1 (Mobile Home Subdivision District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following applicable 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.

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

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

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

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

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

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

SITE DATA

Existing Use	Undeveloped Residential
Adjacent Zoning	N: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1963)
	E: R-T-1 (Mobile Home Subdivision District) (1983)
	W: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1963)

S: I-2/I-3 (Industrial District) (1974)

Adjacent Land Uses N: Undeveloped Residential

E: Mobile Home

W: Mobile Home

S: Vehicle Repair

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 property is located at 331 4th Street; or generally on the north side of 4th Street, approximately 350 feet west of Boyce Avenue. The property is currently undeveloped.

The subject parcel was originally platted as one 60' x 142' lot (Lot 10, Block 3 Tier 3) within the Taft Subdivision. The plat for the Taft Subdivision was recorded on August 10, 1910. Today, the subdivision can be characterized as being developed with mobile home and single-family dwelling development as well as varying intensities of industrial development.

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 one (1) mobile home, which is consistent 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

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

Transportation / Access

The proposed rezoning and approval to develop 1 mobile home is considered de minimis and no further transportation analysis is required.

Code Enforcement

There is an active Code Enforcement case on the subject property (Incident #501739) relating to the unpermitted construction of a wooden fence and improper storage of a recreational vehicle. This violation is outstanding and is scheduled before the Code Enforcement Board (CEB) on March 21, 2018 (CEB 2018-363803Z).

Water / Wastewater / Reclaim

Water: Existing service or provider
Taft Water Association

Wastewater:	Orange County Utilities	8-inch forcemain is located within the right-of-way.
Reclaim Water:	Orange County Utilities	Unavailable

Schools

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

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.

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 – (March 15, 2018)

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.

Staff indicated that one hundred forty-three (143) notices were mailed to surrounding property owners within a buffer extending 800 feet from the subject property, with zero (0) commentaries received in support or opposition to the request. The applicant was present and agreed with the staff recommendation of approval.

After limited discussion, 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. Commissioner Cantero seconded the motion, which then carried on a 7-0 vote.

Motion / Second

Pat DiVecchio / Jose Cantero

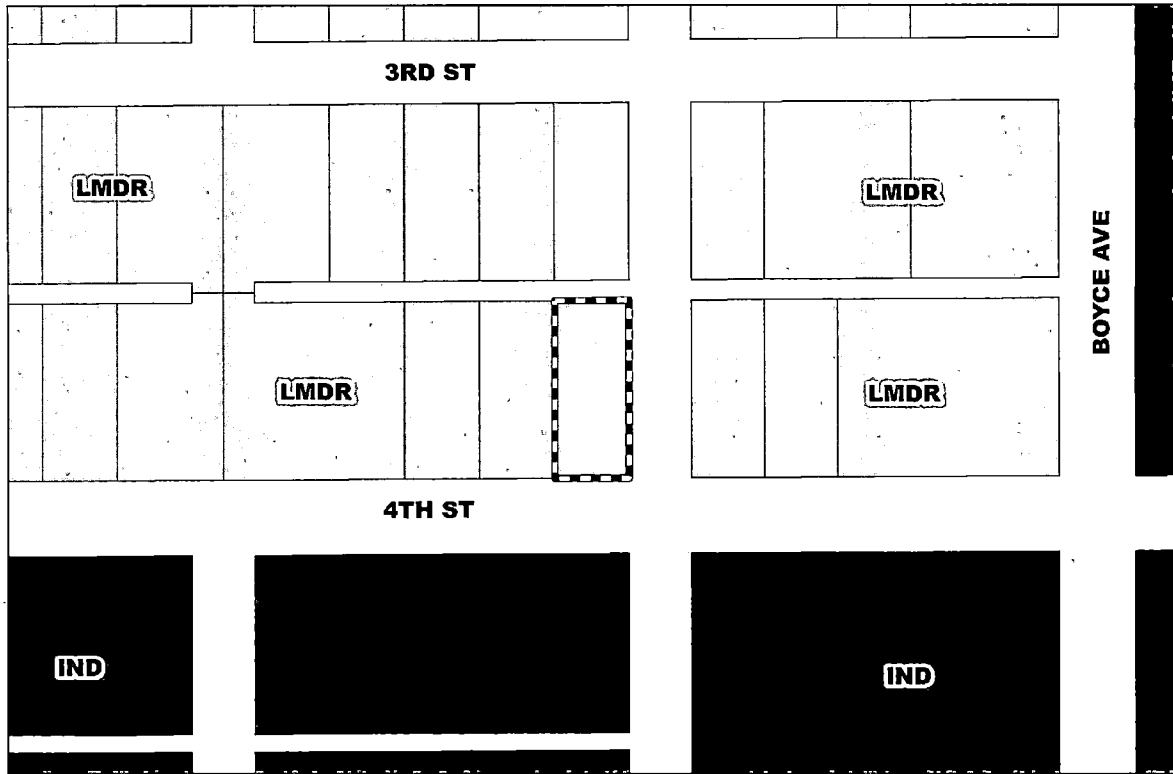
Voting in Favor

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

Absent

JaJa Wade and Yog Melwani

RZ-18-03-020



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Miguel Crespo

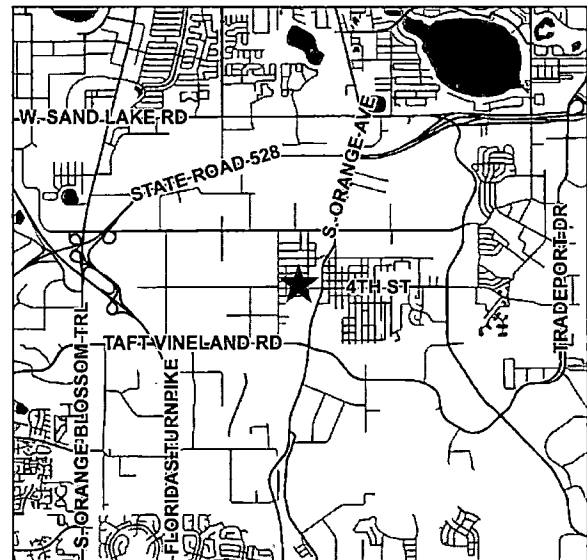
LOCATION: 331 4th Street; or generally on the north side of 4th Street, approximately 350 feet west of Boyce Avenue

TRACT SIZE: 0.195-gross acre

DISTRICT: # 4

S/T/R: 01/24/29

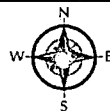
1 inch = 120 feet



RZ-18-03-020

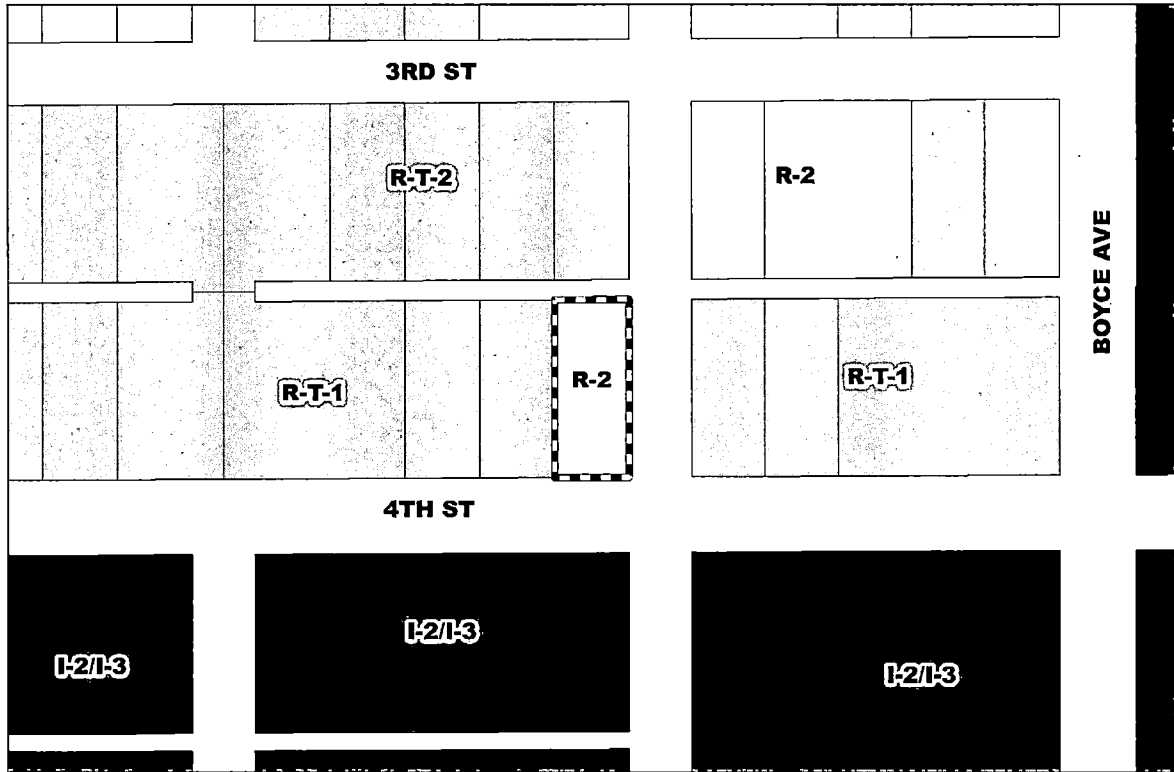


 Subject Property



1 inch = 100 feet

RZ-18-03-020



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Miguel Crespo

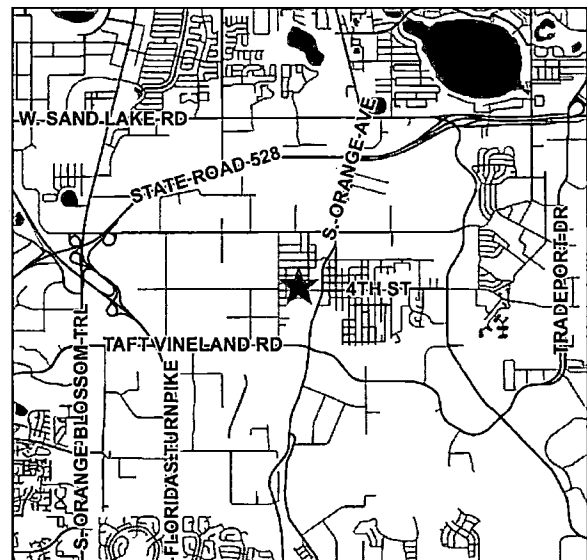
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TRACT SIZE: 0.195-gross acre

DISTRICT: # 4

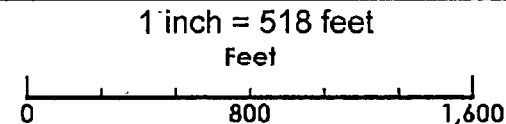
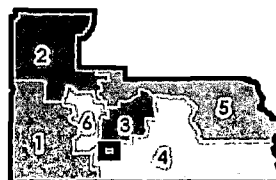
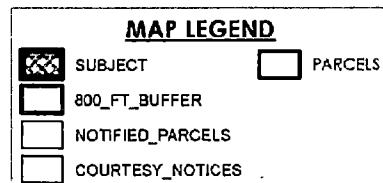
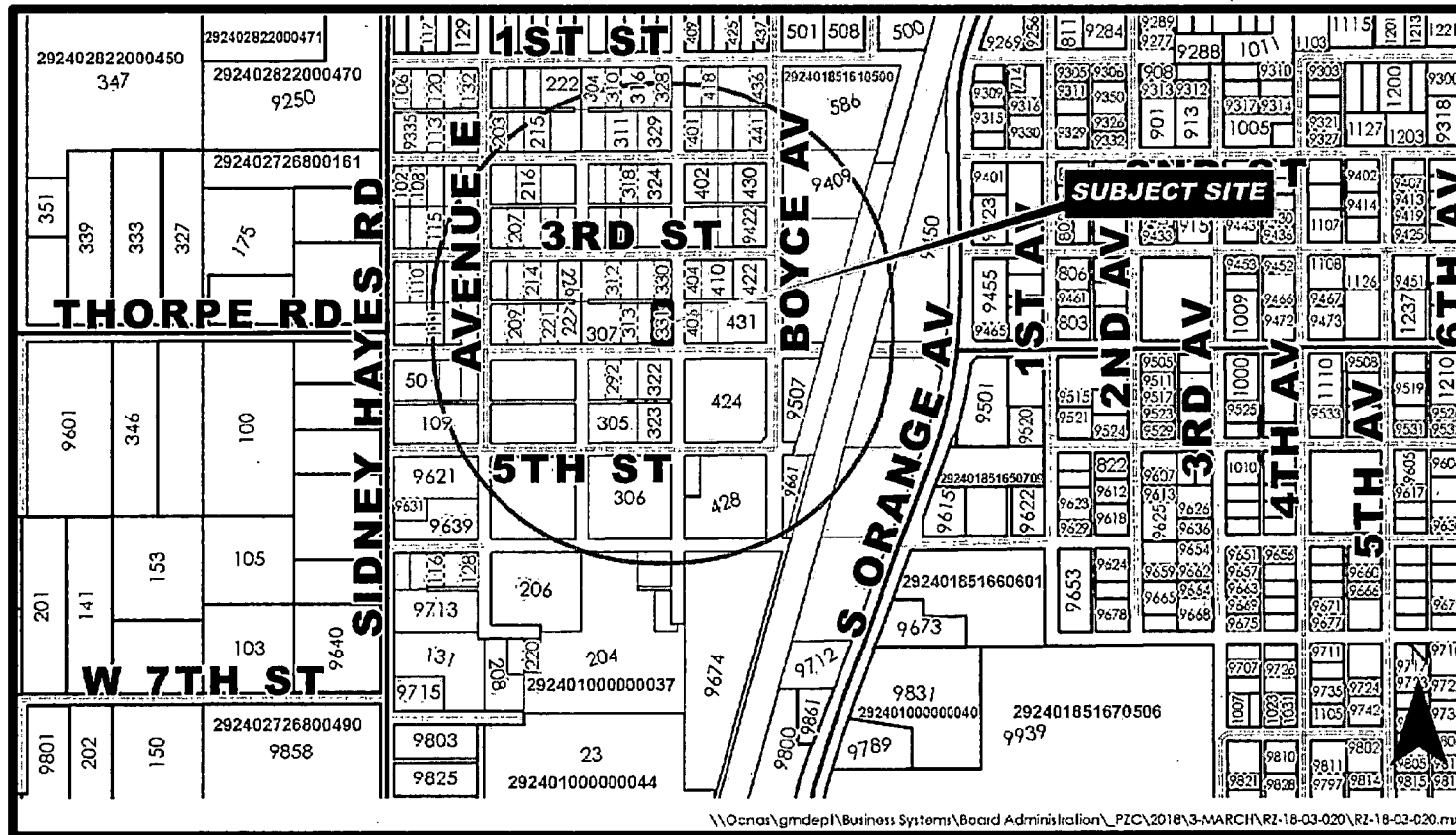
S/T/R: 01/24/29

1 inch = 120 feet





Public Notification Map RZ-18-03-020 800 FT BUFFER, 143 NOTICES



Notification Map

Case # RZ-18-03-020
Orange County Planning Division
PZC Hearing Date: March 15, 2018