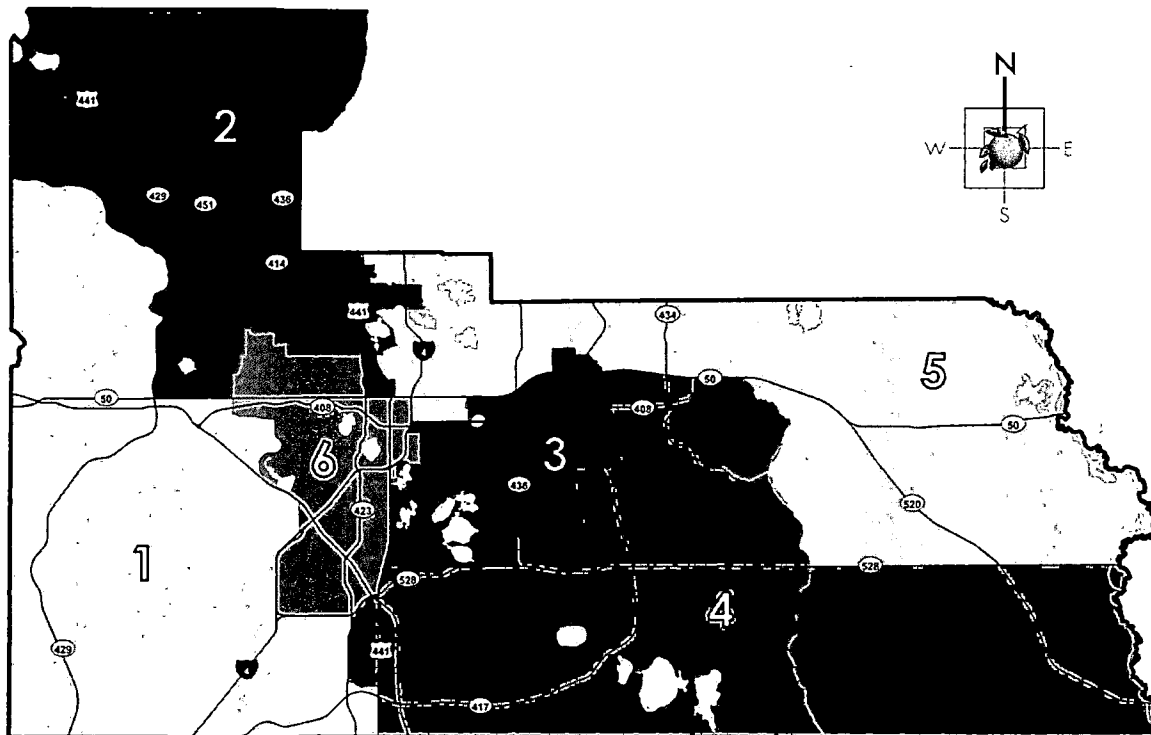


# REZONING RECOMMENDATIONS

APRIL 19, 2018



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



James Dunn Chairperson	District #1
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William Gusler	District #2
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Tina Demostene	District #3
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Pat DiVecchio	District #4
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J. Gordon Spears	District #5
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JaJa J. Wade	District #6
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Paul Wean	At Large
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Yog Melwani Vice Chairperson	At Large
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Jose Cantero	At Large
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**April 19, 2018**

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<b><u>Case #</u> <u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Commission</u> <u>District</u></b>	<b><u>Recommendations</u> <u>Staff</u></b>	<b><u>PZC</u></b>	<b><u>BCC Hearing</u> <u>Required</u></b>
<b>I. REZONING PUBLIC HEARINGS</b>					
RZ-18-04-021 Ramroop Danny Persad	<i>A-2 to R-1</i>	3	Approval	Approval	No
RZ-18-04-022 Mathew Thomas	<i>C-1 to C-2</i>	2	Approval with five (5) restrictions	Approval with five (5) restrictions	No
RZ-18-04-023 Michael S. Lischin	<i>R-T-2 to R-T-1</i>	4	Approval with one (1) restriction	Approval with two (2) restrictions	No
RZ-18-04-024 Jose L. Cruz	<i>A-2 to R-T-1</i>	4	Approval	Approval with two (2) restrictions	No
RZ-18-04-025 Ivonne Caparros	<i>R-1A to P-O</i>	3	Approval with three (3) restrictions	Approval with three (3) restrictions	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>
NC	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
	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>
P-O	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <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>
	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

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

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

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

#### FOOTNOTES

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

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

# BUFFER YARD REQUIREMENTS

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## Orange County Code Section 24-5.

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

### (a) *Buffer classifications:*

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

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



Case Planner:  
Steven Thorp

Rezoning Staff Report  
Orange County Planning Division  
PZC Hearing Date: April 19, 2018

**CASE # RZ-18-04-021**

Commission District: # 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Ramroop Danny Persad
<b>OWNER</b>	Turnpoint Enterprises, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-2</b> (Farmland Rural District) <b>to</b> <b>R-1</b> (Single-Family Dwelling District)
<b>LOCATION</b>	2020 Harrell Road; or generally located on the west side of Harrell Road, approximately 1,000 feet north of E. Colonial Drive.
<b>PARCEL ID NUMBER</b>	13-22-30-0000-00-048
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 500 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred seventy-five (175) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	2.95 gross acres
<b>PROPOSED USE</b>	14 single-family detached 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**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: R-T (Mobile Home Park District) (1970)
	E: R-T (Mobile Home Park District) (1970)
	W: R-1A (Single-Family Dwelling District) (1958)
	S: A-2 (Farmland Rural District) (1957)

**Adjacent Land Uses**    N:    Mobile Home Park (Colonial Village MHP)  
                                     E:    Mobile Home Park (Colonial Village MHP)  
                                     W:    Single-Family Residential  
                                     S:    Mobile Home Park (Harrell Road MHP)

**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 2020 Harrell Road; or generally located on the west side of Harrell Road, approximately 1,000 feet north of E. Colonial Drive. The immediate area is developed with a combination of single-family detached dwelling units on varying lot sizes, as well as mobile home parks.

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) in order to develop the site with up to 14 single-family detached dwellings, which equates to a density of 4.74 units per acre. The proposed density would be below the maximum density of 10 units per acre allowed by the Low-Medium Density Residential Future Land Use designation.

The lots developed under the proposed zoning district would have a smaller lot width and area than the lots that currently exist along Harrell Road, with the smallest being 75' wide and 10,846 square feet in area. Given the existing characteristics described, the lots would be of a larger size than the mobile home sites in the existing mobile

home parks that abut the property to the north, south, and east. Given the mix of housing products and lot configurations, the proposed zoning would be compatible with the immediate areas.

**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**

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

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

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.

The site discharges into the Crane Strand, a body of water designated as impaired with adopted 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 a Basin Management Action Plan (BMAP).

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, the applicant shall 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**

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 East Colonial Drive. The sidewalk along Harrell Road is incomplete and there is no signed bicycle route/lane within the project impact area.

Based on the development plan for the subject parcel, a mobility analysis may be required prior to obtaining a building permit.

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

#### **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	16-inch water main within Harrell Road right-of-way
Wastewater:	Orange County Utilities	16-inch force main within Harrell Road right-of-way
Reclaim Water:	Orange County Utilities	Unavailable

#### **Schools**

Orange County Public Schools (OCPS) has indicated that school capacity is available for up to 14 new residential units (School Capacity Determination OC-18-007).

#### **Parks and Recreation**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (April 19, 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 seventy-five (175) notices were mailed to surrounding property owners within a buffer extending 500 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 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 Melwani seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Tina Demostene / Yog Melwani*

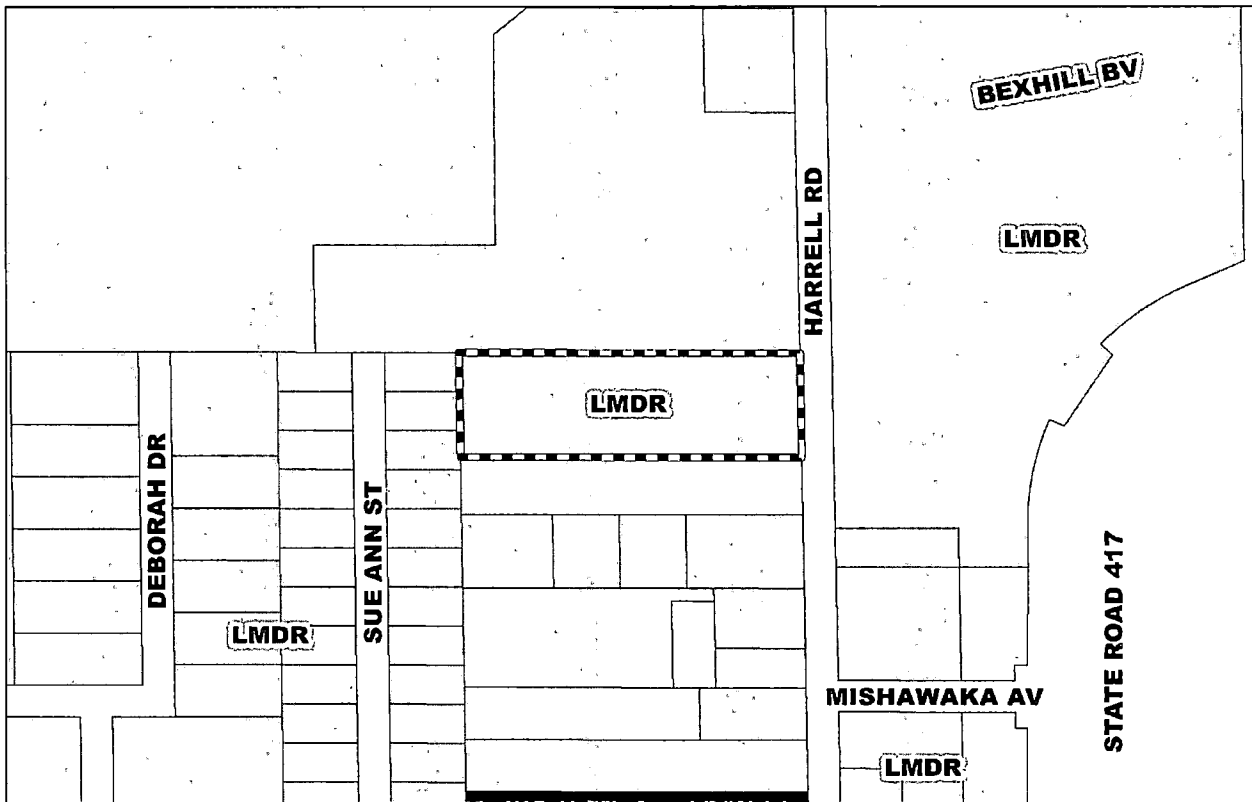
**Voting in Favor**

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

**Absent**

*None*

RZ-18-04-021



Subject Property



Subject Property

### Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Ramroop Danny Persad

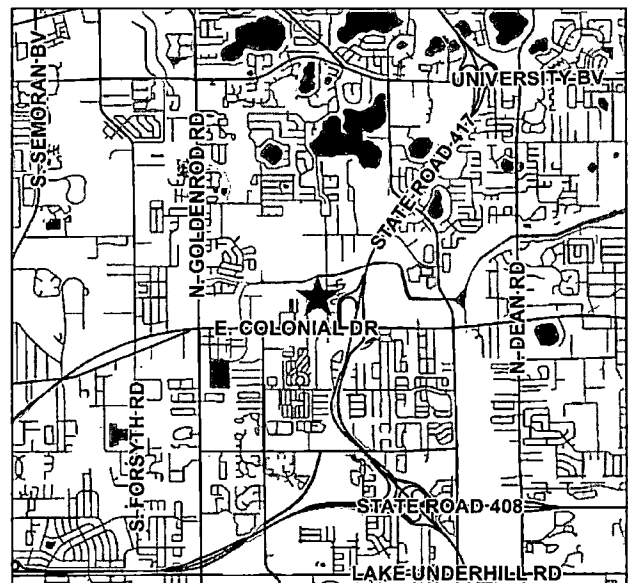
LOCATION: 2020 Harrell Road; or generally located on the west side of Harrell Road, approximately 1,000 feet north of E. Colonial Drive.

TRACT SIZE: 2.95 gross acres

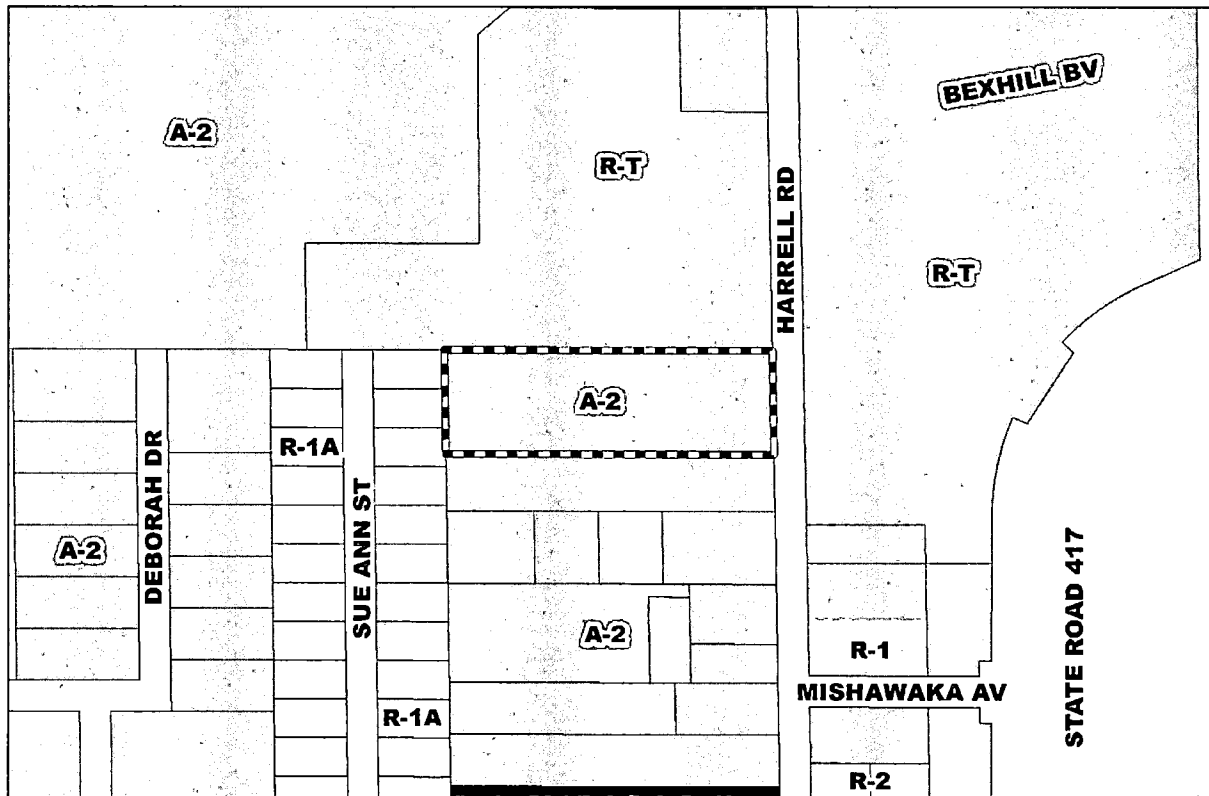
DISTRICT: # 3

S/T/R: 13/22/30

1 inch = 300 feet



RZ-18-04-021



Subject Property



★ Subject Property

### Zoning Map

**ZONING:** A-2 (Farmland Rural District) to  
 R-1 (Single-Family Dwelling District)

**APPLICANT:** Ramroop Danny Persad

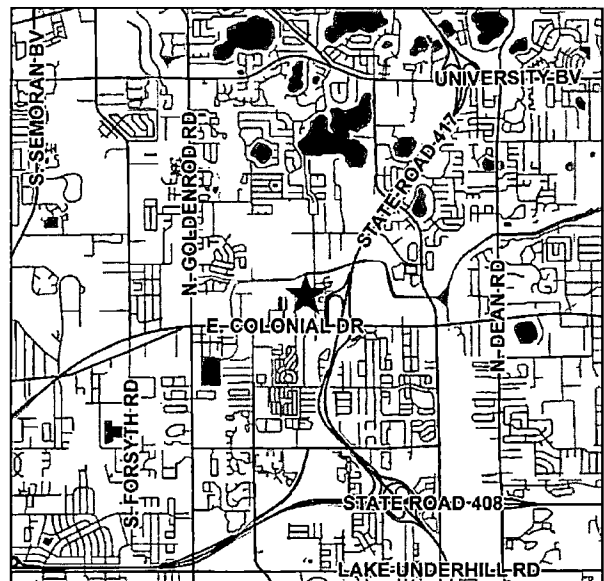
**LOCATION:** 2020 Harrell Road; or generally located on  
 the west side of Harrell Road,  
 approximately 1,000 feet north of E.  
 Colonial Drive.

**TRACT SIZE:** 2.95 gross acres

**DISTRICT:** # 3

**S/T/R:** 13/22/30

1 inch = 300 feet

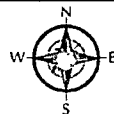




RZ-18-04-021



 Subject Property

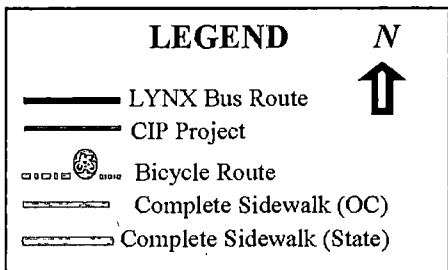


1 inch = 250 feet

## Alternative Mobility Area (AMA) Context Map



RZ-18-04-021  
Planning Context Map

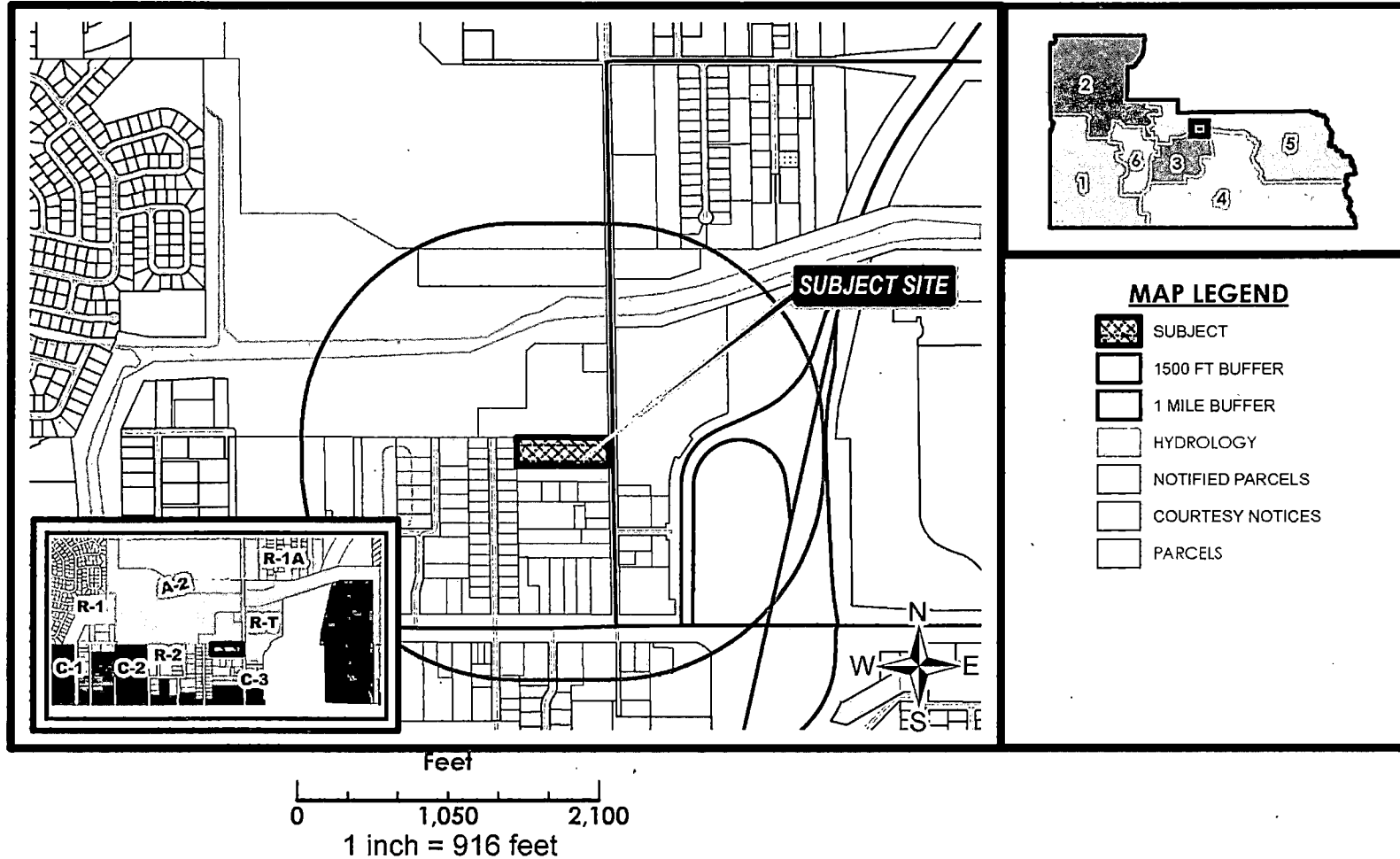




# Public Notification Map

RZ-18-04-021

1500 FT BUFFER, 175 NOTICES



## Notification Map

Case # RZ-18-04-021  
Orange County Planning Division  
PZC Hearing Date: April 19, 2018

**CASE # RZ-18-04-022**

Commission District: # 2

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mathew Thomas
<b>OWNERS</b>	Indo Super Mart LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>C-1</b> (Retail Commercial District) <b>to</b> <b>C-2</b> (General Commercial District)
<b>LOCATION</b>	1488 E Semoran Blvd.; or generally on the south side of E. Semoran Blvd, west of Suggs Rd., and east of S. Roger Williams Rd.
<b>PARCEL ID NUMBER</b>	11-21-28-0000-00-072
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 1000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred eleven (111) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	0.934-gross acre
<b>PROPOSED USE</b>	Existing convenience store and gas station use with ancillary truck rental and leasing with outdoor storage and portable food and drink vendor.

**STAFF RECOMMENDATION**

**PLANNING**

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

**Restrictions**

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "B" buffer shall be used to separate commercial (C-2) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of

attaining full height and opacity within three (3) years;

- 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-2 uses;
- 4) All truck parking including truck rental and storage and food trucks shall be located on a paved surface; and
- 5) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of truck rental and leasing with outdoor storage and portable food and drink vendor. All other C-2 uses shall be prohibited.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The C-2 (General 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-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation and the following Comprehensive Plan provisions:

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

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

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

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

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

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

### **SITE DATA**

<b>Existing Use</b>	Convenience store with gas station
<b>Adjacent Zoning</b>	N: City of Apopka (C-2 General Commercial District) E: City of Apopka (Planned Unit Development) W: C-2 (General Commercial District) (1957) S: C-1 (Retail Commercial District) (1987)
<b>Adjacent Land Uses</b>	N: Surface Parking E: Automobile Dealership W: Vehicle Repair S: Single-Family Residence

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

Min. Lot Area:	8,000 sq. ft.
Min. Lot Width:	100 ft. (on major streets, see Article XV) 80 ft. (on all other streets)
Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts)
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

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

### **Permitted Uses**

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and

major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

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

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 1488 E Semoran Blvd.; or generally on the south side of E. Semoran Blvd, west of Suggs Rd., and east of S. Roger Williams Rd. Due to code enforcement action, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to allow food trucks to operate on the property and to add a truck parking and rental use to the existing convenience store and gas station. The applicant has indicated the intent to redevelop the property with a different use at an undetermined point in the future.

The area surrounding the subject property include a patchwork of parcels within either the City of Apopka's or unincorporated Orange County's jurisdictions. Both the County's and City's Future Land Use Maps (FLUM) establish commercial land uses along this corridor of E. Semoran Blvd. The surrounding area is primarily developed with automobile sales, automobile repair, and retail commercial type uses.

Although this new C-2 zoning will be adjacent to a parcel to the south with both commercial Future Land Use and C-1 zoning, a single-family residence is located on the property. In order to increase compatibility of the proposed use, staff is recommending that only the proposed C-2 uses be permitted and all other C-2 uses be prohibited in order to reduce any negative impacts this use may have on the existing adjacent residential use. All C-1 uses will still be permitted.

### **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 located within the Apopka Joint Planning Area.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Airport Noise Zone**

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

**Environmental**

The Environmental Protection Division reviewed this request, but did not provide any objections or comments.

**Transportation / Access**

Based on the concurrency management system database dated March 14, 2018, there is one failing roadway within a one-mile radius of this project. Orange Blossom Trail from Semoran Blvd. to Park Avenue is currently deficient and operating at level of service F. This information is dated and subject to change. A traffic study based on the proposed development may be required prior to obtaining an approved capacity encumbrance letter.

**Code Enforcement**

On February 16, 2018, Orange County Code Enforcement incident # 505233 cited the property owner for operating a food truck on a C-1 property that does not have a canopy from the principal structure for food truck to park under. The property owner was instructed to remove portable food vendor from the property.

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>
Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

**Schools**

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

**Parks and Recreation**

Orange County Parks and Recreation reviewed this request, but did not provide any



objections or comments.

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (April 19, 2018)**

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

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "B" buffer shall be used to separate commercial (C-2) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years;
- 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-2 uses;
- 4) All truck parking including truck rental and storage and food trucks shall be located on a paved surface, which shall be in addition to the required parking area and drive aisles for the convenience store use; and
- 5) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of truck rental and leasing with outdoor storage and portable food and drink vendor. All other C-2 uses shall be prohibited.

**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-2 zoning district.

Staff indicated that one hundred eleven (111) notices were mailed to surrounding property owners within a buffer extending 1,000 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.

In response to questions from Commissioner Demostene, staff noted that the restrictions proposed with the rezoning were intended to bring the subject property up to code prior to the property owner resuming operation of the food truck and truck rental uses. After further discussion, restriction number four was amended to clarify that the paved surface to be provided for the truck rental/storage and food truck parking will be in addition to the parking area required for the convenience store use.

After additional discussion, a motion was made by Commissioner Gusler to amend restriction number four and to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the C-2 (Wholesale Commercial District) zoning, subject to five (5) restrictions. Commissioner Wean seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*William Gusler / Paul Wean*

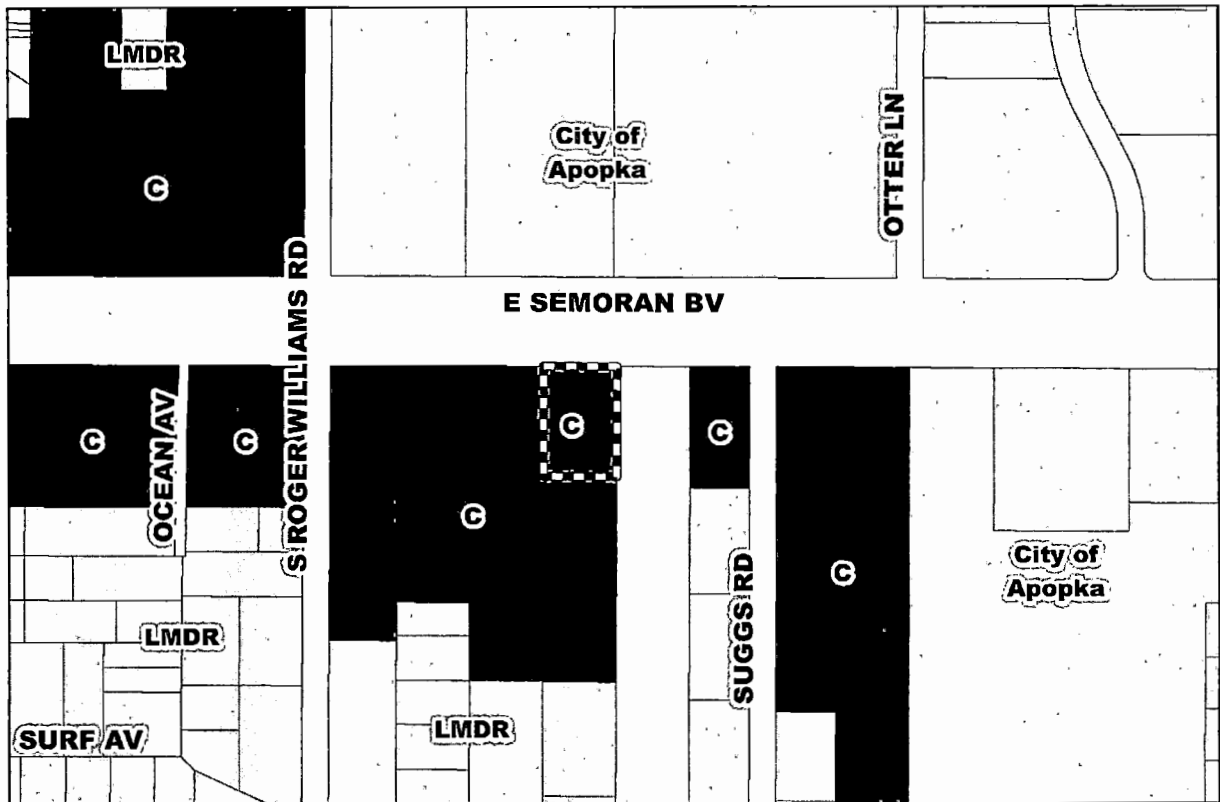
**Voting in Favor**

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

**Absent**

*None*

RZ-18-04-022



Subject Property



★ Subject Property

### Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Mathew Thomas

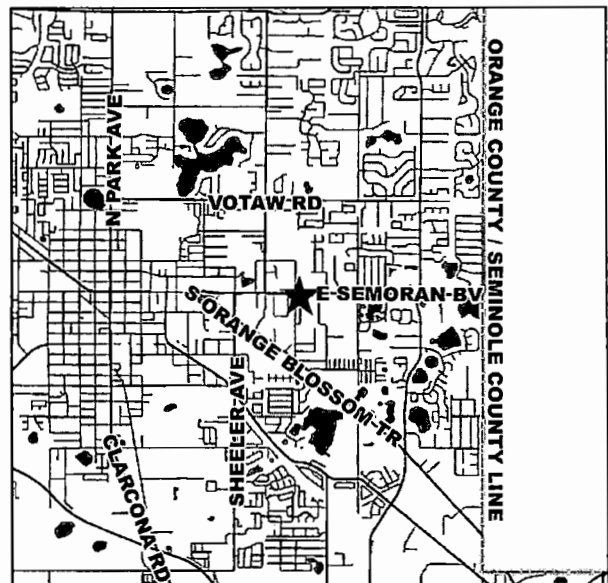
LOCATION: 1488 E Semoran Blvd.; or generally on the south side of E. Semoran Blvd, west of Suggs Rd., and east of S. Roger Williams Rd.

TRACT SIZE: 0.936-gross acre

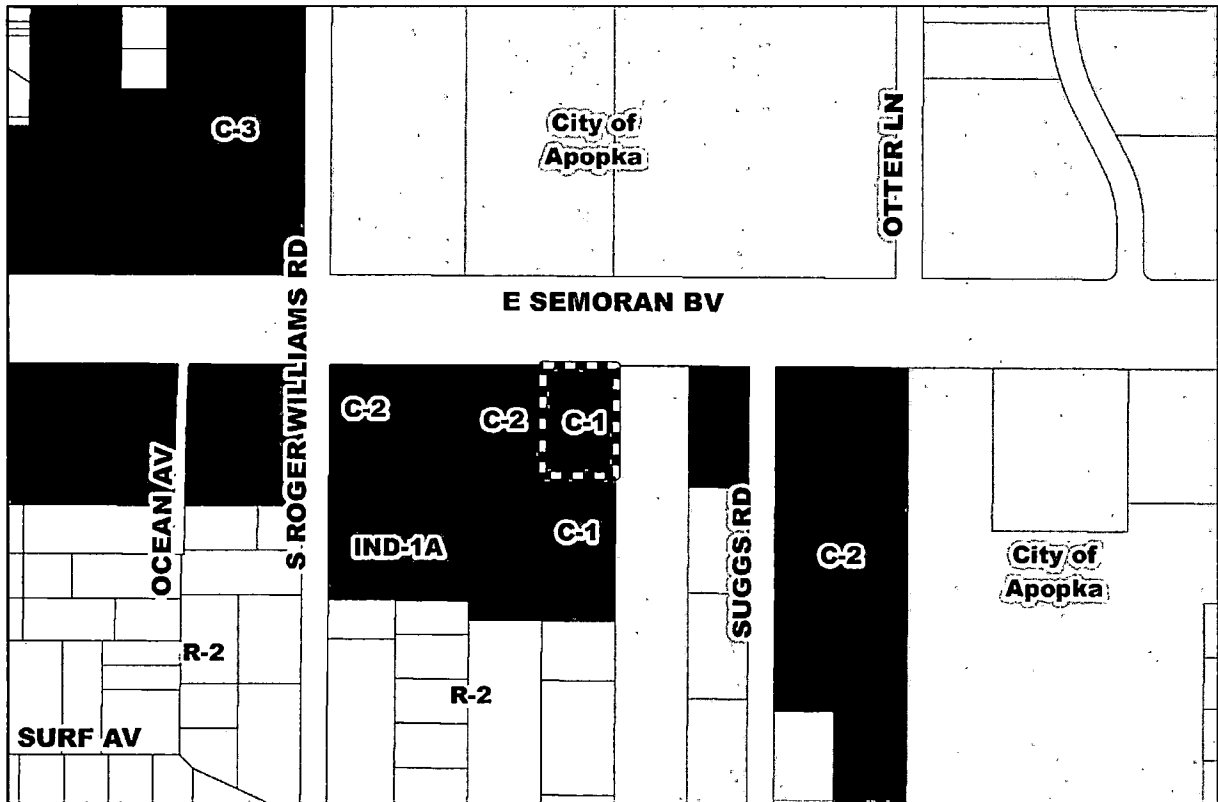
DISTRICT: # 2

S/T/R: 11/21/28

1 inch = 350 feet



RZ-18-04-022



Subject Property



Subject Property

### Zoning Map

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

**APPLICANT:** Mathew Thomas

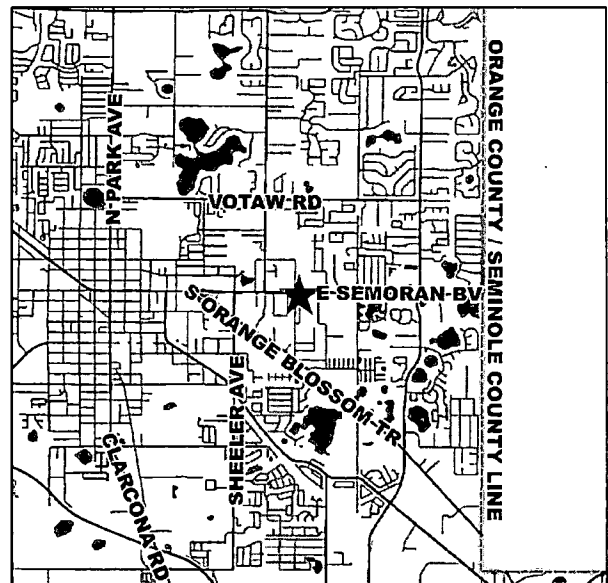
**LOCATION:** 1488 E Semoran Blvd.; or generally on the  
 south side of E. Semoran Blvd, west of  
 Suggs Rd., and east of S. Roger Williams  
 Rd.

**TRACT SIZE:** 0.936-gross acre

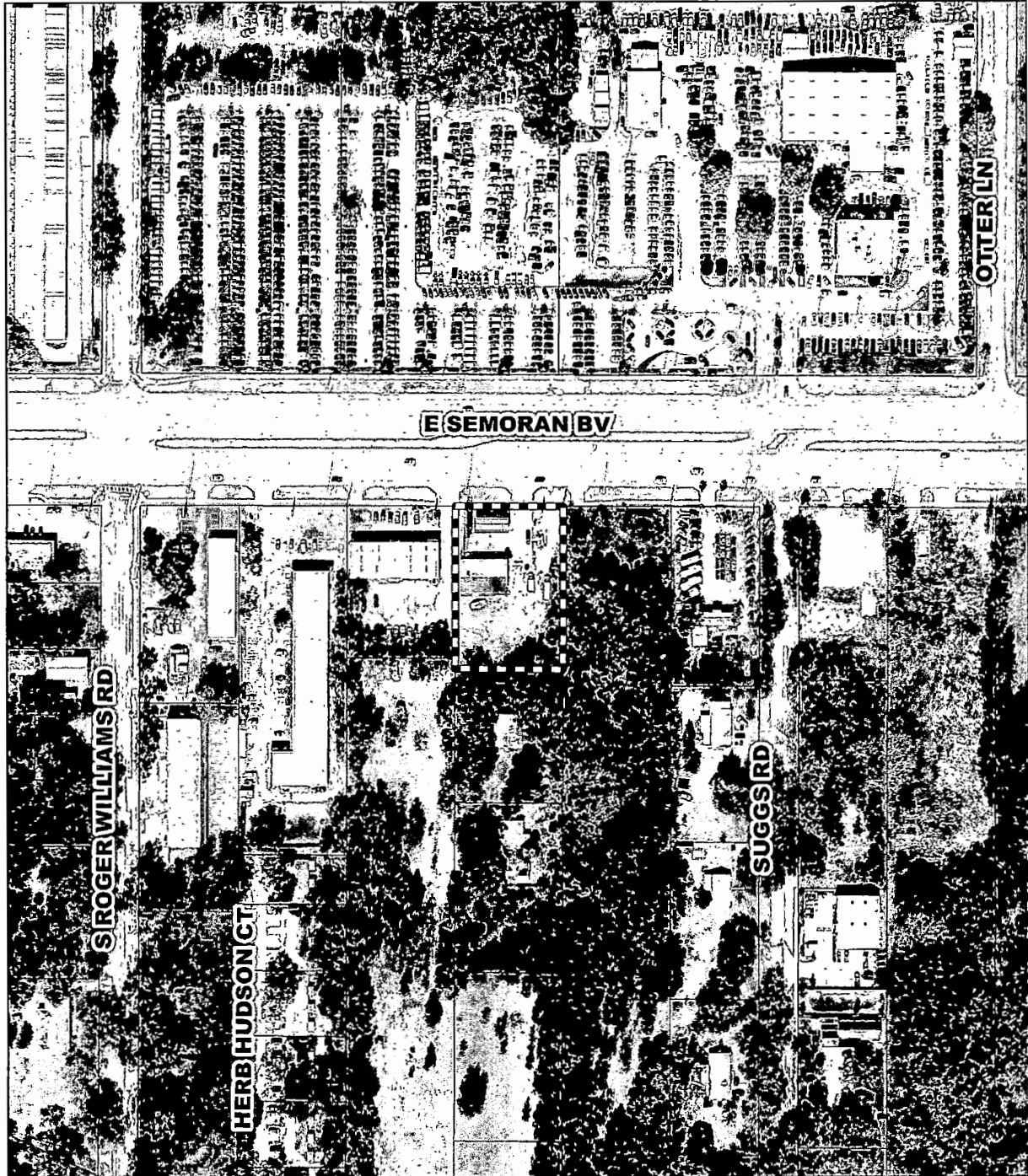
**DISTRICT:** # 2

**S/T/R:** 11/21/28

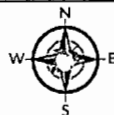
1 inch = 350 feet



RZ-18-04-022



 Subject Property



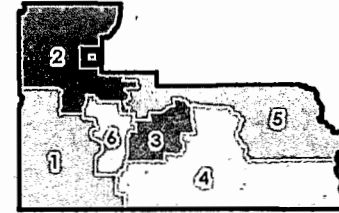
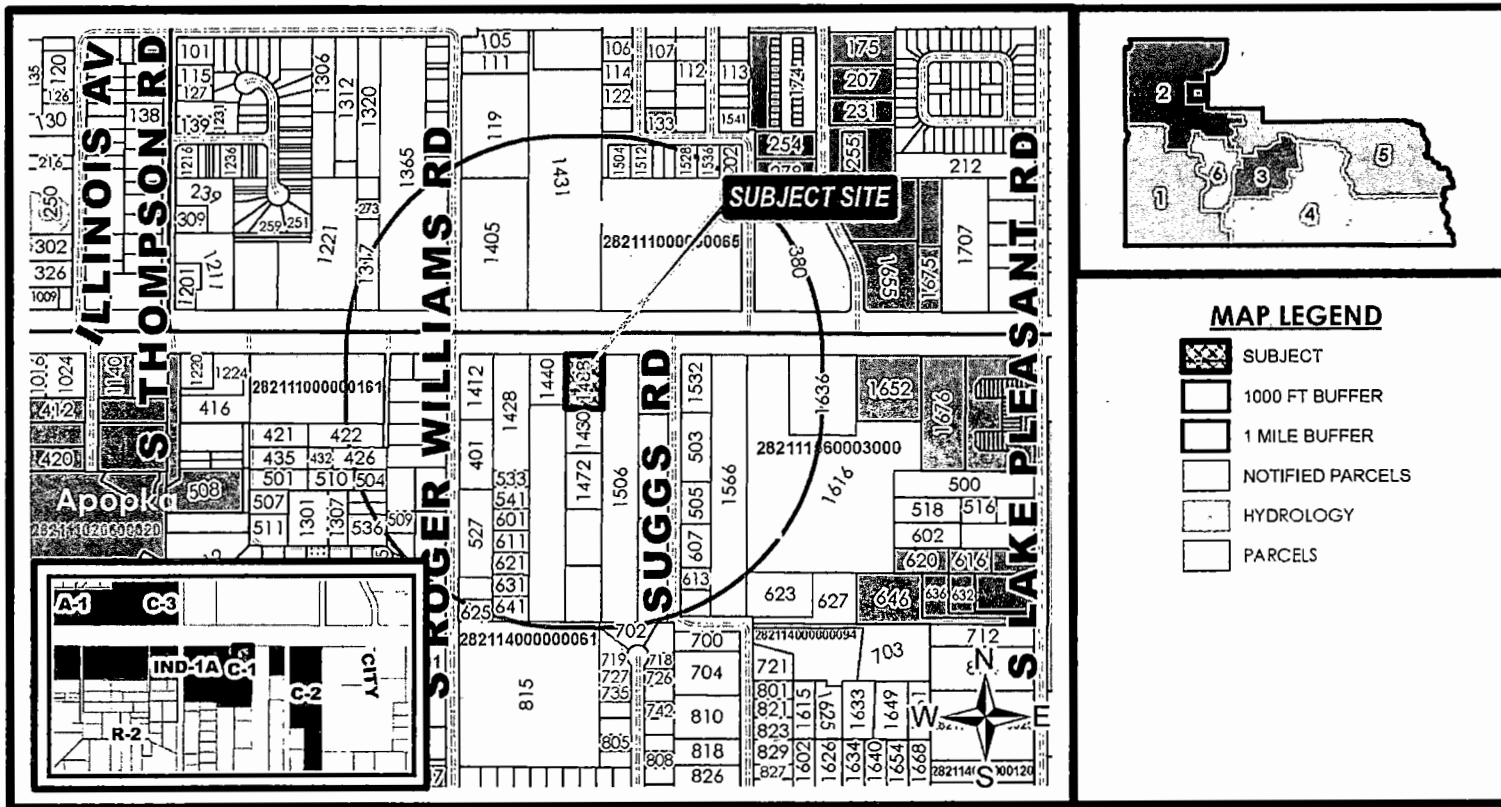
1 inch = 200 feet



# Public Notification Map

RZ-18-04-022

1000 FT BUFFER, 111 NOTICES



## Notification Map

Case # RZ-18-04-022  
Orange County Planning Division  
PZC Hearing Date: April 19, 2018

**CASE # RZ-18-04-023**

Commission District: # 4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Michael S. Lischin
<b>OWNERS</b>	Theodore Russell
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-T-2</b> (Combination Mobile Home and Single-Family Dwelling District) <b>to</b> <b>R-T-1</b> (Mobile Home Subdivision District)
<b>LOCATION</b>	15503 Larkspur Street; or generally on the northwest corner of the intersection of Sunflower Trail and Larkspur Street, and south of Vienna Drive.
<b>PARCEL ID NUMBER</b>	30-22-32-2338-05-210
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred ninety-three (193) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	0.843-gross acre
<b>PROPOSED USE</b>	Three (3) 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-T-1 (Mobile Home Subdivision District) zoning subject to the following restriction:**

**Restrictions**

- 1) New mobile homes shall be prohibited.

**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 Density Residential (LDR). The subject property is also located within the Sunflower Trail Rural Settlement. The proposed R-T-1 (Mobile Home Subdivision 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**

<b>Existing Use</b>	One (1) Manufactured Home
<b>Adjacent Zoning</b>	N: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1977)  E: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1980)  W: P-D (Partin Ridge Planned Development) (2006)  S: R-T-1 (Mobile Home Subdivision District) (2007)
<b>Adjacent Land Uses</b>	N: Single-Family Residential  E: Manufactured Home  W: Single-Family Residential  S: Manufactured Home

## **R-T-1 (MOBILE HOME SUBDIVISION DISTRICT) DEVELOPMENT STANDARDS\***

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
Front:	25 / 20 ft.
Rear:	25 / 20 ft.
Side:	5 ft.

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

### **Permitted Uses**

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

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

## **SPECIAL INFORMATION**

### **Subject Property Analysis**

The subject property is located at 15503 Larkspur Street; or generally on the northwest corner of the intersection of Sunflower Trail and Larkspur Street, and south of Vienna Drive. The 0.841-gross acre subject property is currently developed with one (1) manufactured home.

Through this request, the applicant is seeking to rezone the subject parcel from R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) with the intent to subdivide the parcel into three (3) single-family lots in order to construct a detached single-family dwelling unit on each of the resulting lots.

The surrounding neighborhood can be characterized as having small platted lots with conventional single-family residential dwelling units and manufactured homes. The 0.77-gross acre parcel across Larkspur St. to the south of the subject property was rezoned from A-2 (Farmland Rural District) to R-T-1, in 2017 (RZ-07-06-047). The rezoning was approved subject to restrictions limiting development on the property to two single-family homes, and prohibiting new mobile homes. The property across Sunflower Trail to the west of the subject property was rezoned to Planned Development (Partin Ridge PD) in 2006, and is entitled for 200 single-family lots. The portion of the Partin Ridge PD that is adjacent the subject property is designated as rural residential and limited to ½ acre lots.

As the Comprehensive Plan encourages a mixture of lot types and sizes, and the immediate area of the subject property has a variety of single-family residential lot types, the proposed rezoning would be compatible with the existing development pattern.

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

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low 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 located within the Sunflower Trail 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**

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. 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 stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

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**

Based on the Concurrency Management System database dated March 14, 2018, all roadway segments within a one-mile radius of this project operate at acceptable levels of service. This information is dated and is subject to change. The proposed rezoning and approval to develop three (3) single-family dwelling units, which will generate four (4) pm 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:	Orange County Utilities	A 6-inch and 30-inch watermain within the Sunflower Trail right-of-way
Wastewater:	Orange County Utilities	A 30-inch force main within the Sunflower Trail right-of-way

Reclaim Water:            Orange County Utilities            An 8-inch watermain located at  
Sunflower Trail and Hidden Gem  
Way

**Schools**

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

**Parks and Recreation**

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

**Specific Project Expenditure Report and Relationship Disclosure Form**

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

**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (April 19, 2018)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning subject to the following restrictions:**

- 1) New mobile homes shall be prohibited.
- 2) The subject property shall be limited to a maximum of two (2) lots with single-family detached residential 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-T-1 (Mobile Home Subdivision District) zoning.

Staff indicated that one hundred ninety three (193) notices were mailed to surrounding property owners within a buffer extending 800 feet from the subject property, with zero (0) commentaries received in favor of the request and ten (10) in opposition. Staff noted that those opposed to the request were against allowing more mobile homes on the property. The applicant was present and agreed with the staff recommendation of approval. There were also two (2) residents that spoke in opposition to the request.

After discussion in which the Planning & Zoning Commissioners noted that splitting the subject property into three lots would create lots that were substantially smaller than any

others in the Rural Settlement, the applicant agreed to an additional restriction limiting the site to two lots. A motion was made by Commissioner DiVecchio, to add a second restriction limiting the site to two lots, and to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-T-1 (Mobile Home Subdivision District) zoning, subject to two (2) restrictions. Commissioner Spears seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Pat DiVecchio / Gordon Spears*

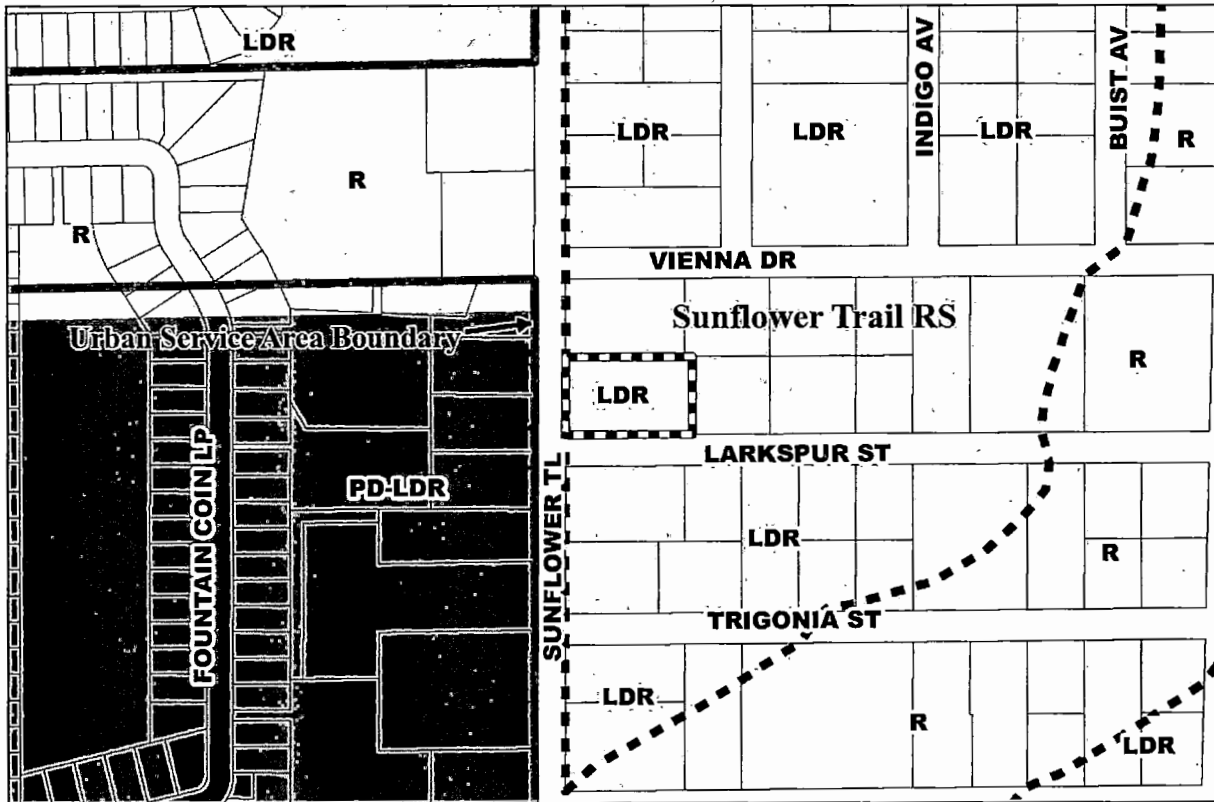
**Voting in Favor**

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

**Absent**

*None*

RZ-18-04-023



Subject Property



Subject Property

### Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Michael Lischin

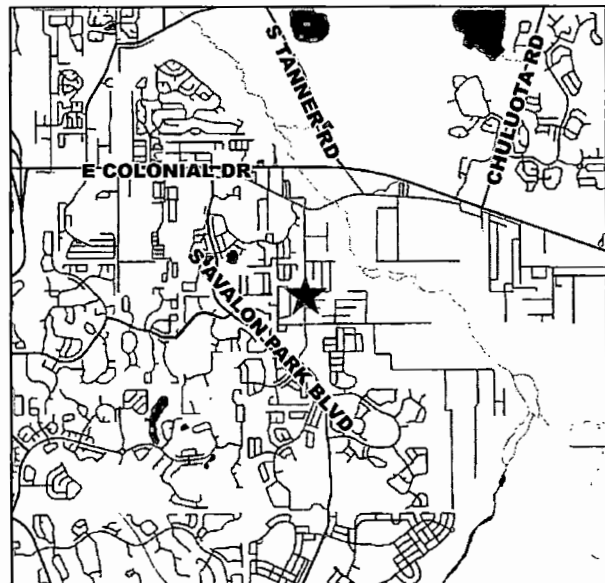
LOCATION: 15503 Larkspur Street; or generally on the northwest corner of the intersection of Sunflower Trail and Larkspur Street, and south of Vienna Drive.

TRACT SIZE: 0.843-gross acre

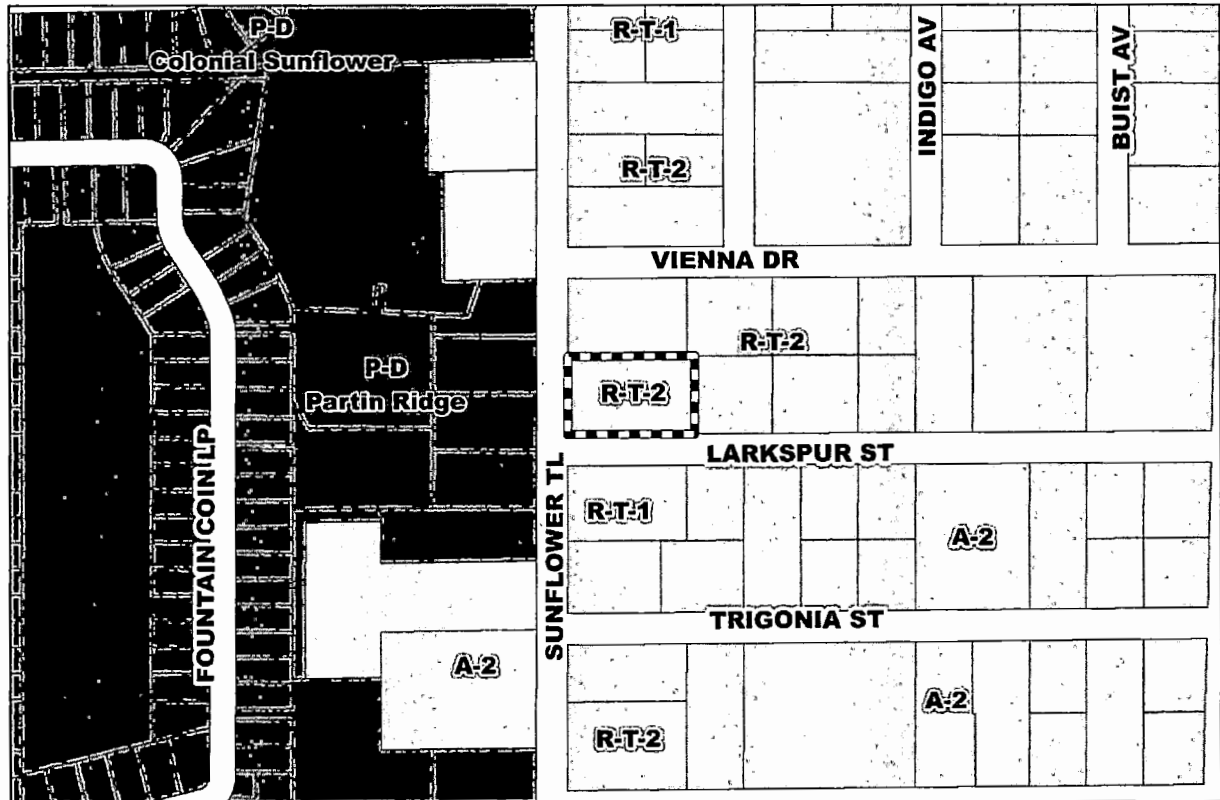
DISTRICT: # 4

S/T/R: 30/23/32

1 inch = 300 feet



RZ-18-04-023



Subject Property



★ Subject Property

### Zoning Map

**ZONING:** R-T-2 (Combination Mobile Home and Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)

**APPLICANT:** Michael Lischin

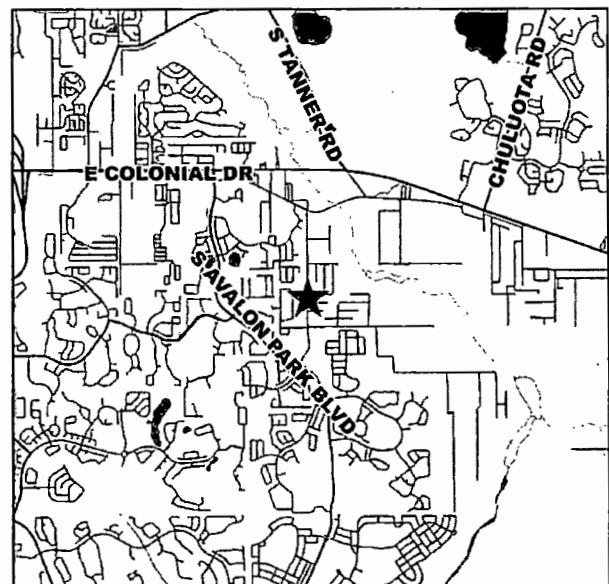
**LOCATION:** 15503 Larkspur Street; or generally on the northwest corner of the intersection of Sunflower Trail and Larkspur Street, and south of Vienna Drive.

**TRACT SIZE:** 0.843-gross acre

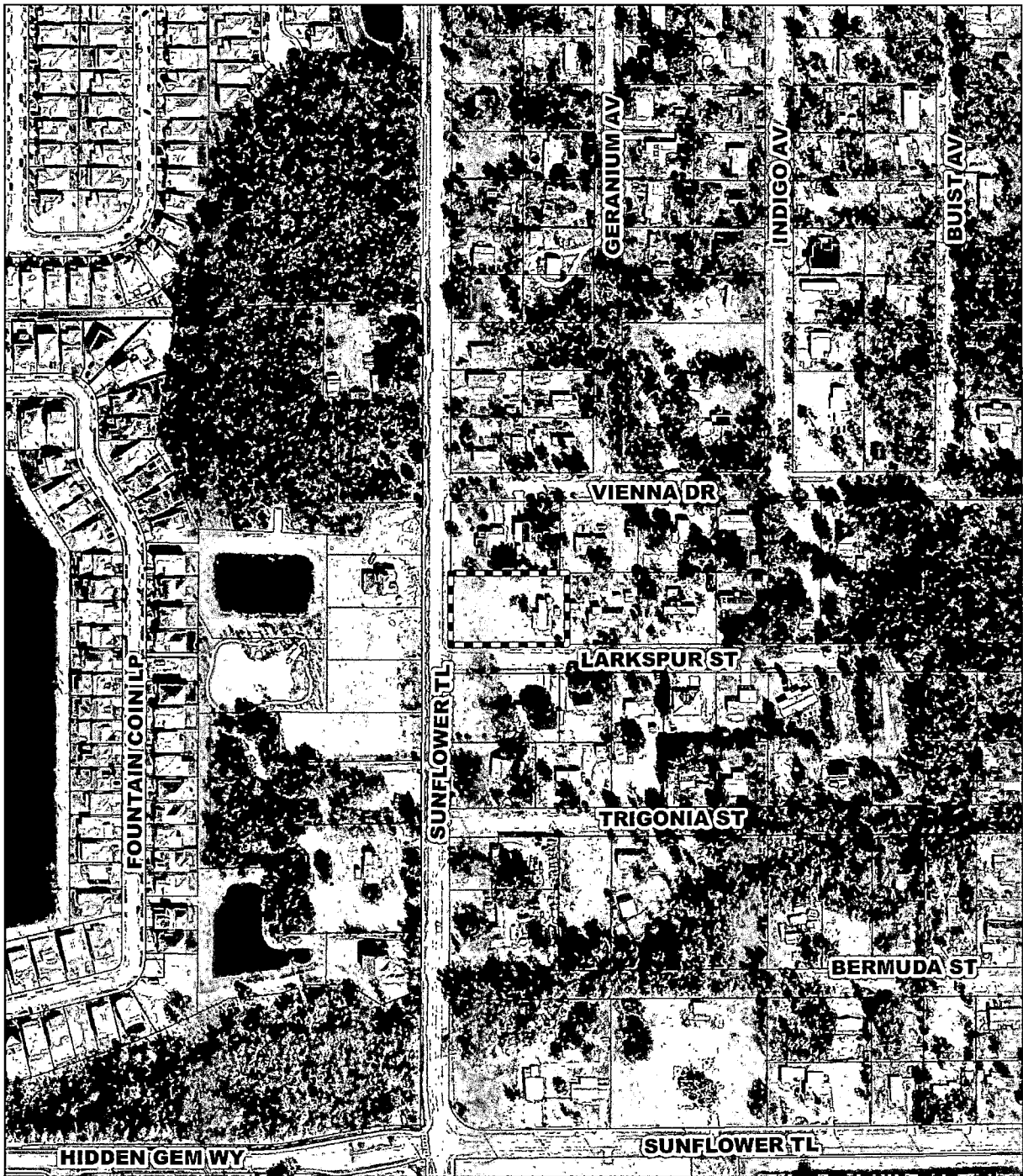
**DISTRICT:** # 4

**S/T/R:** 30/23/32

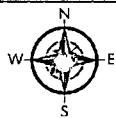
1 inch = 300 feet



RZ-18-04-023



 Subject Property



1 inch = 275 feet





# Public Notification Map

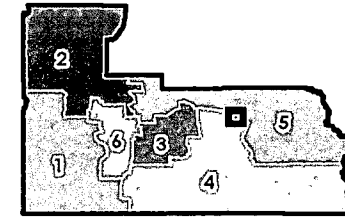
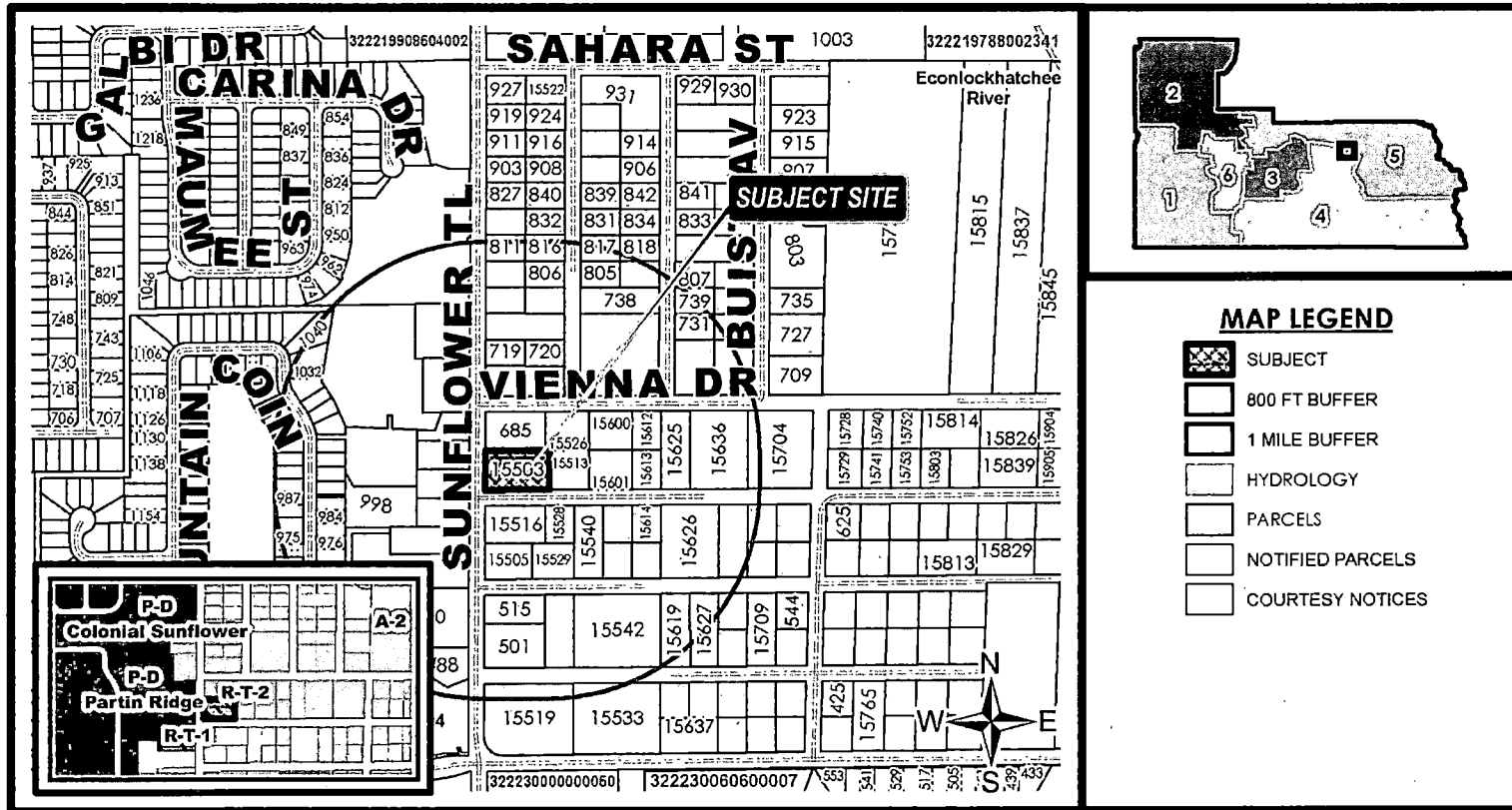
RZ-18-04-023

800 FT BUFFER, 193 NOTICES

PZC Recommendation Report

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April 19, 2018



## MAP LEGEND

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

## Notification Map

Case # RZ-18-04-023  
Orange County Planning Division  
PZC Hearing Date: April 19, 2018

\\Ocnas\gmdepl\Business Systems\Board Administration\PZC\2018\4-APRIL\RZ-18-04-023\RZ-18-04-023.mxd

**CASE # RZ-18-04-024**

Commission District: # 4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jose Cruz
<b>OWNER</b>	Isabel N. Galagarza
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>A-2</b> (Farmland Rural District) <b>to</b> <b>R-T-1</b> (Mobile Home Subdivision District)
<b>LOCATION</b>	540 Harrell Drive; or generally on the west side of Harrell Drive, approximately 630 feet north of Sunflower Trail.
<b>PARCEL ID NUMBER</b>	30-22-32-2338-11-120
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 900 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred and ten (110) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	0.93-gross acre
<b>PROPOSED USE</b>	Two single-family detached dwelling units ( <i>pending approved lot split</i> )

**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 Density Residential (LDR). The R-T-1 (Mobile Home Subdivision 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**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: A-2 (Farmland Rural District) (1957)
	E: R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1989)
	W: A-2 (Farmland Rural District) (1957)
	S: R-CE-2 (Rural Residential District) (2005)

**Adjacent Land Uses**    N:    Single-Family Residential  
                                     E:    Mobile Home  
                                     W:    Undeveloped Residential  
                                     S:    Single-Family Residential

**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 540 Harrell Drive; or generally on the west side of Harrell Drive, approximately 630 feet north of Sunflower Trail. The immediate area is developed with a mixture of single-family detached residential dwelling units and mobile homes.

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-T-1 (Mobile Home Subdivision District) in order split the parcel and develop the new parcel with a single-family detached dwelling unit.

This property owner recently completed a Petition to Vacate application (PTV-16-03-011) that vacated the 30' unopened and unimproved Trigonía Street right-of-way adjacent to the southern property line and assumed it into the overall parcel. The

assumed right-of-way is subject to a 30' wide access, utility, and drainage easement over its entire length. The applicant has stated that the access for the proposed lot to Harrell Road would be over this access easement.

**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 located within the Sunflower Trail 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**

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, the applicant shall 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 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 site discharges into the Big Econlockhatchee River, a body of water designated as an Outstanding Florida Water but impaired by fecal coliform bacteria.

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.

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.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance in Orange County Code Chapter 15 Article XI. However, the basin wide regulations may not apply per Section 15-440.

**Transportation / Access**

The proposed rezoning and approval to develop one (1) additional single family dwelling is considered de minimis. No further transportation analysis is required.

**Code Enforcement**

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

**Water / Wastewater / Reclaim**

Water:	<u>Existing service or provider</u> Orange County Utilities	The nearest potable water connection is a 30-inch water main located within the Sunflower Trail right-of-way.
Wastewater:	Orange County Utilities	The nearest wastewater connection is a 30-inch forcemain located within the Sunflower Trail right-of-way.
Reclaim Water:	Orange County Utilities	The nearest reclaimed water connection is an 8-inch reclaimed water main located at the intersection of Sunflower Trail and Hidden Gem Way.

**Schools**

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

**Parks and Recreation**

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

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**ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – (April 19, 2018)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning, subject to the following restrictions:**

1. No new mobile homes shall be permitted; and
2. Development shall be limited to a maximum of two (2) single-family detached dwelling units.

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**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 and ten (110) notices were mailed to surrounding property owners within a buffer extending 900 feet from the subject property, with three (3) commentaries received in favor of the request and one (1) in opposition. The applicant was present and agreed with the staff recommendation of approval.

After discussion regarding the number of lots and compatibility, 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 with two (2) added restrictions to limit development of the property to two (2) single-family dwellings and prohibit the development of new mobile homes. Commissioner Wade seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Pat DiVecchio / JaJa Wade*

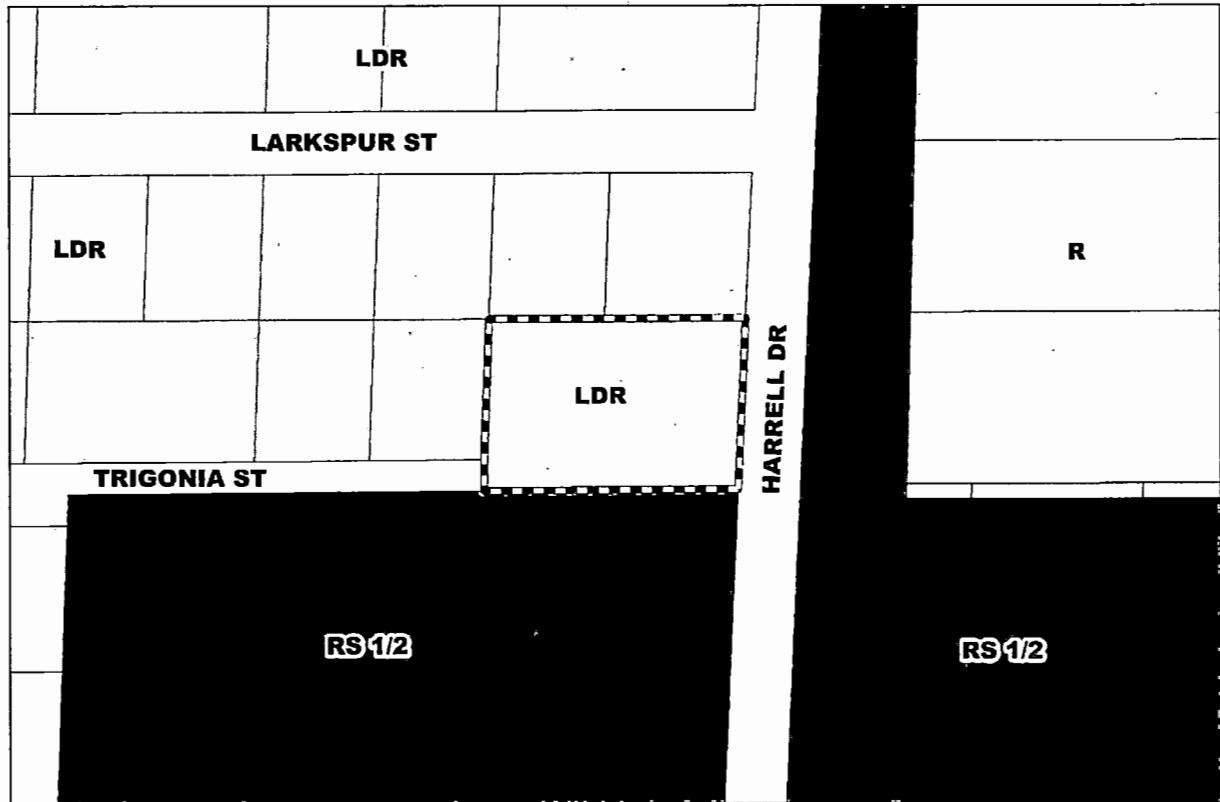
**Voting in Favor**

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

**Absent**

*None*

RZ-18-04-024



Subject Property



★ Subject Property

### Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Jose Cruz

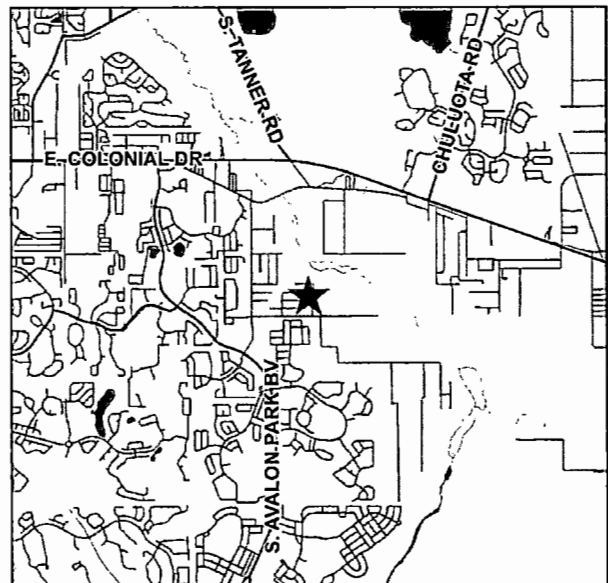
LOCATION: 540 Harrell Drive; or generally on the west side of Harrell Drive, approximately 630 feet north of Sunflower Trail

TRACT SIZE: 0.93-gross acre

DISTRICT: # 4

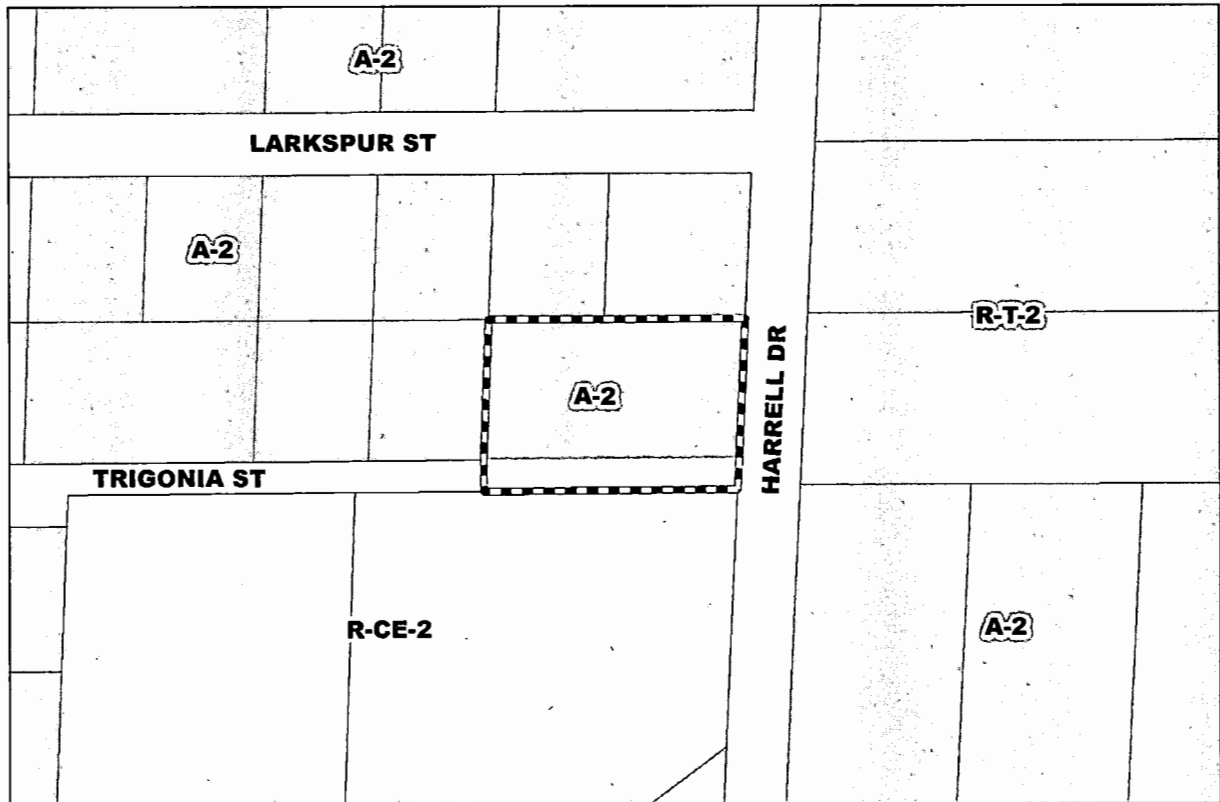
S/T/R: 30/22/32

1 inch = 150 feet





RZ-18-04-024



Subject Property



★ Subject Property

### Zoning Map

**ZONING:** A-2 (Farmland Rural District) to  
 R-T-1 (Mobile Home Subdivision District)

**APPLICANT:** Jose Cruz

**LOCATION:** 540 Harrell Drive; or generally on the west  
 side of Harrell Drive, approximately 630  
 feet north of Sunflower Trail

**TRACT SIZE:** 0.93-gross acre

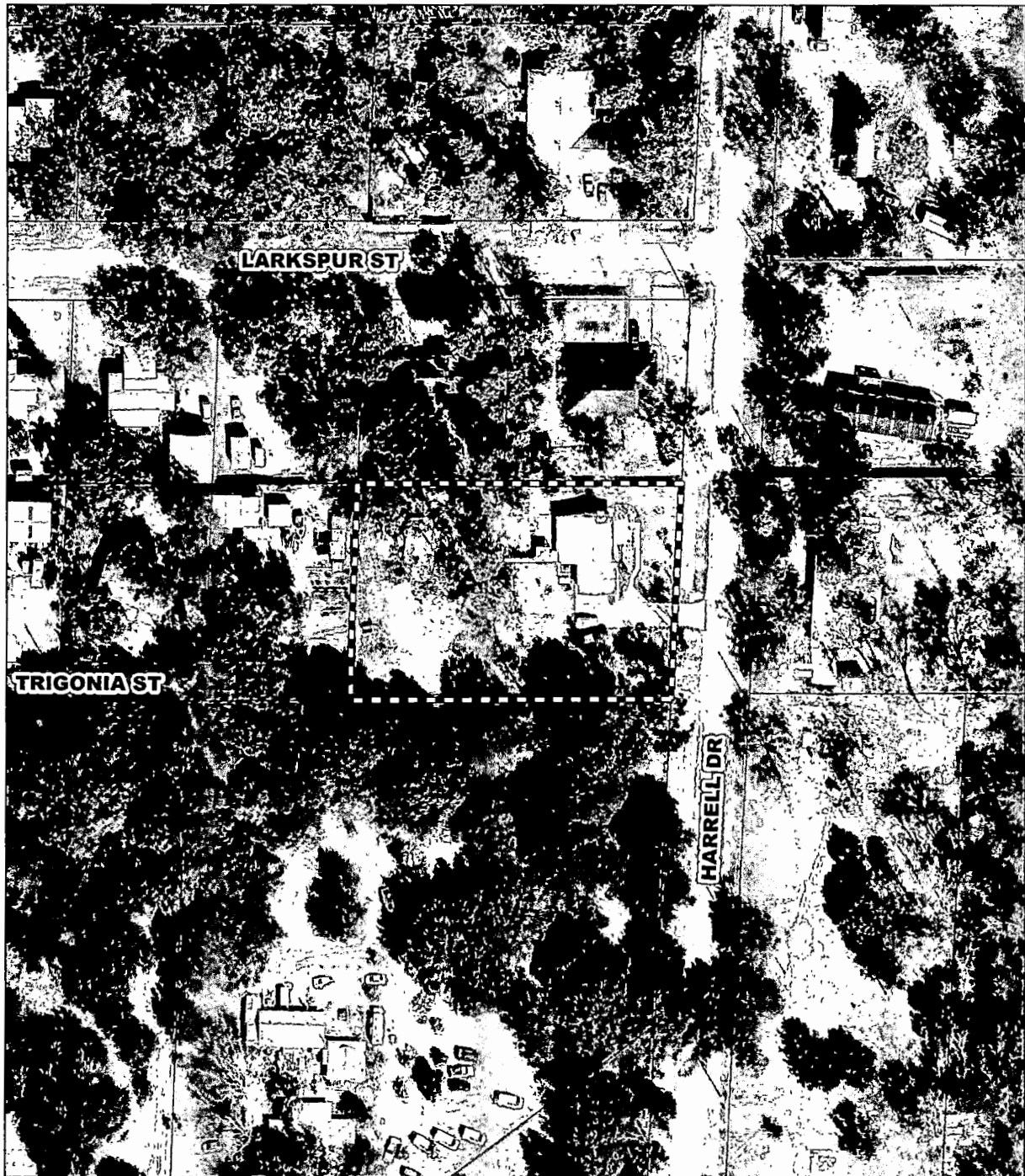
**DISTRICT:** # 4

**S/T/R:** 30/22/32

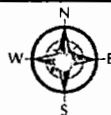
1 inch = 150 feet



RZ-18-04-024



 Subject Property



1 inch = 100 feet



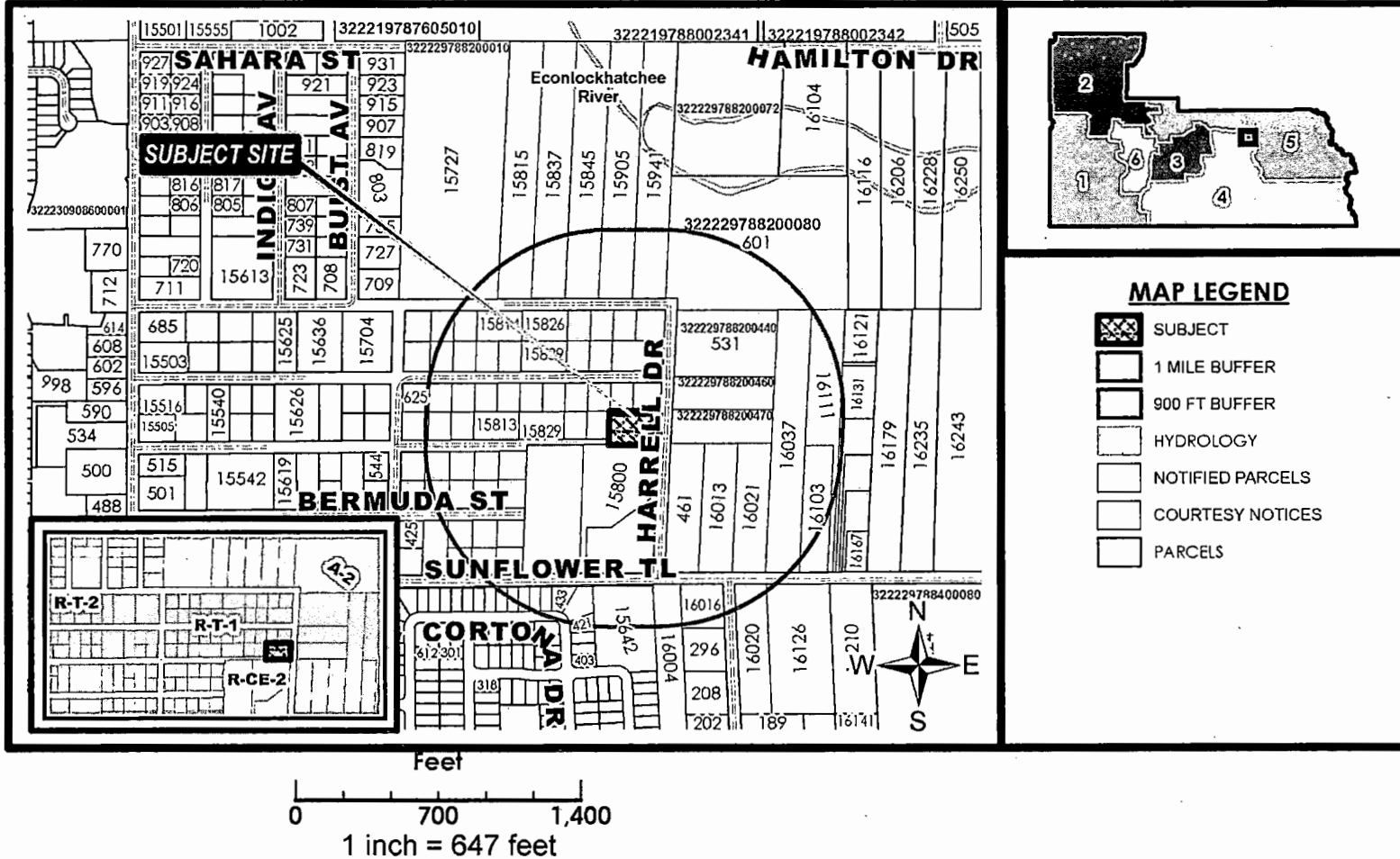
# Public Notification Map

RZ-18-04-024  
900 FT BUFFER, 110 NOTICES

PZC Recommendation Report

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April 19, 2018



Notification Map

**CASE # RZ-18-04-025**

Commission District: # 3

**GENERAL INFORMATION**

<b>APPLICANT</b>	Ivonne Caparros
<b>OWNER</b>	Eleanore R. Connell
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) <b>to</b> <b>P-O</b> (Professional Office District)
<b>LOCATION</b>	7250 Curry Ford Road; or generally located on the south side of Curry Ford Road, approximately 430 feet west of S. Goldenrod Road.
<b>PARCEL ID NUMBER</b>	02-23-30-3024-00-041
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond 700 feet [ <i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i> ]. One hundred thirty-three (133) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
<b>TRACT SIZE</b>	1.06 gross acres
<b>PROPOSED USE</b>	Professional Engineering Office

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "D" buffer 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 at least three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
- 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 P-O uses.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The P-O (Professional Office 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 Office (O). The P-O (Professional Office District) zoning is consistent with the Office 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.

**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.

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

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

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

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

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility.

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

### **SITE DATA**

<b>Existing Use</b>	Single-Family Residential
<b>Adjacent Zoning</b>	N: C-1 (Retail Commercial District) (1976) E: R-1A (Single-Family Dwelling District) (1957) W: P-O (Professional Office District) (1981) S: R-T (Mobile Home Park District) (1965)
<b>Adjacent Land Uses</b>	N: Retail, Restaurant, Offices E: Single-Family Residential W: Professional Office Center S: Mobile Home Park (Tamarack East MHP)

### **P-O (PROFESSIONAL OFFICE DISTRICT) DEVELOPMENT STANDARDS\***

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
<i>Front:</i>	25 ft.
<i>Rear:</i>	30 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.

The intent and purpose of the P-O (Professional Office District) zoning is to provide for and encourage development of a wide variety of high quality functional and attractive

professional office centers in accordance with adopted county development plans and policies as well as establish standards which promote high quality site development of individual office structures and larger office centers, both of which are properly oriented toward arterial roads and compatible with adjoining properties. The P-O district also encourages the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

**Permitted Uses**

The P-O (Professional Office District) zoning district is composed of lands and structures used primarily for the furnishing of commercial office locations.

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 7250 Curry Ford Road; or generally located on the south side of Curry Ford Road, approximately 430 feet west of S. Goldenrod Road. The immediate area is developed with a mixture of office and commercial development along Curry Ford Road, as well as a single-family house to the east of this parcel, and a mobile home park to the south.

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to P-O (Professional Office District) in order to develop the site with a professional engineering office and bring the property into consistency with its underlying Office Future Land Use designation. If this rezoning is approved, there will be one single-family residential parcel remaining along this commercial segment of Curry Ford Road.

**Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Office (O) 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 "E". The proposed use is subject to the land use restrictions stated in Orange County Code Article XV – "Airport Noise Impact Areas".

**Environmental**

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

The developer 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.

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.

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

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).

**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 Curry Ford Road and Goldenrod 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.

Prior to obtaining a building permit, approval from the Concurrency Management Office will be required.



Based on the development program for the proposed office use, a mobility analysis may also be required.

**Code Enforcement**

There are two (2) active Code Enforcement cases on the subject property. The first is Incident #500093, which relates to the disrepair and condemnation of the single-family dwelling on the property. This violation is outstanding and is scheduled before the Code Enforcement Board (CEB) on May 16, 2018 (CEB 2018-361803H).

The second is Incident #500019, which relates to the keeping of office trailers, storage containers, and a recreational vehicle without zoning approvals and permits. This violation is outstanding and went before the Code Enforcement Board (CEB) on March 21, 2018, where the CEB determined the property owner is guilty of the violation (CEB-2018-361083Z).

**Water / Wastewater / Reclaim**

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	8-inch watermain within the Curry Ford Road right-of-way
Wastewater:	Orange County Utilities	4-inch forcemain within the Curry Ford Road right-of-way.
Reclaim Water:	Orange County Utilities	Unavailable

**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 – (April 19, 2018)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested P-O (Professional Office District) zoning, subject to the following restrictions:**

- 1) New billboards and pole signs shall be prohibited;

- 2) A Type "D" buffer 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 at least three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years; and
- 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 P-O 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 P-O (Professional Office District) zoning, subject to three (3) restrictions.

Staff indicated that one hundred thirty-three (133) notices were mailed to surrounding property owners within a buffer extending 700 feet from the subject property, with one (1) commentary received in favor of the request and one (1) in opposition. The applicant was present and agreed with the staff recommendation of approval.

After limited discussion regarding the active code enforcement cases, a motion was made by Commissioner Demostene to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the P-O (Professional Office District) zoning. Commissioner Spears seconded the motion, which then carried on a 9-0 vote.

**Motion / Second**

*Tina Demostene / Gordon Spears*

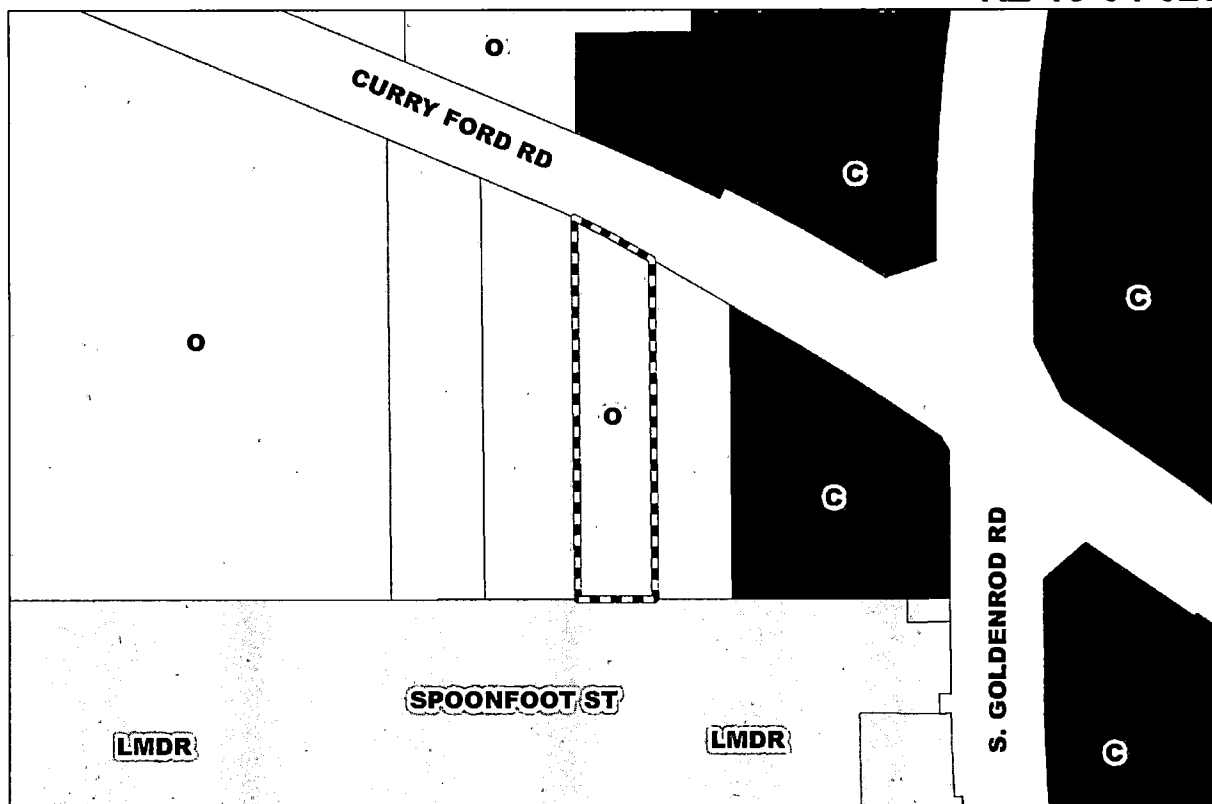
**Voting in Favor**

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

**Absent**

*None*

RZ-18-04-025



Subject Property



Subject Property

### Future Land Use Map

FLUM: Office (O)

APPLICANT: Ivonne Caparros

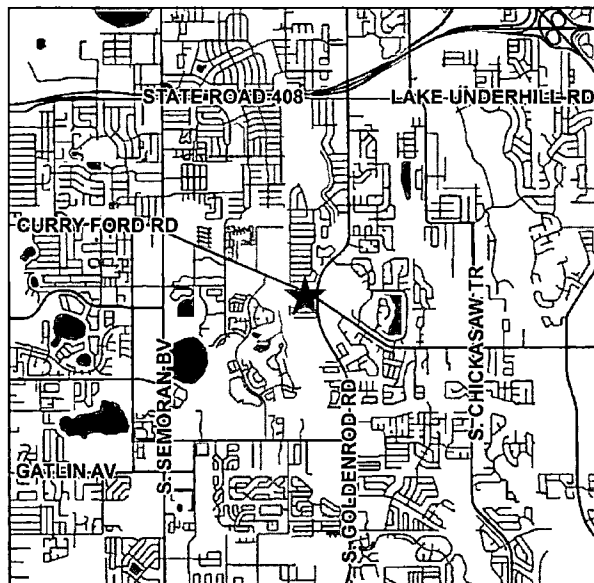
LOCATION: 7250 Curry Ford Road; or generally located  
 on the south side of Curry Ford Road,  
 approximately 430 feet west of  
 S. Goldenrod Road

TRACT SIZE: 1.06 gross acres

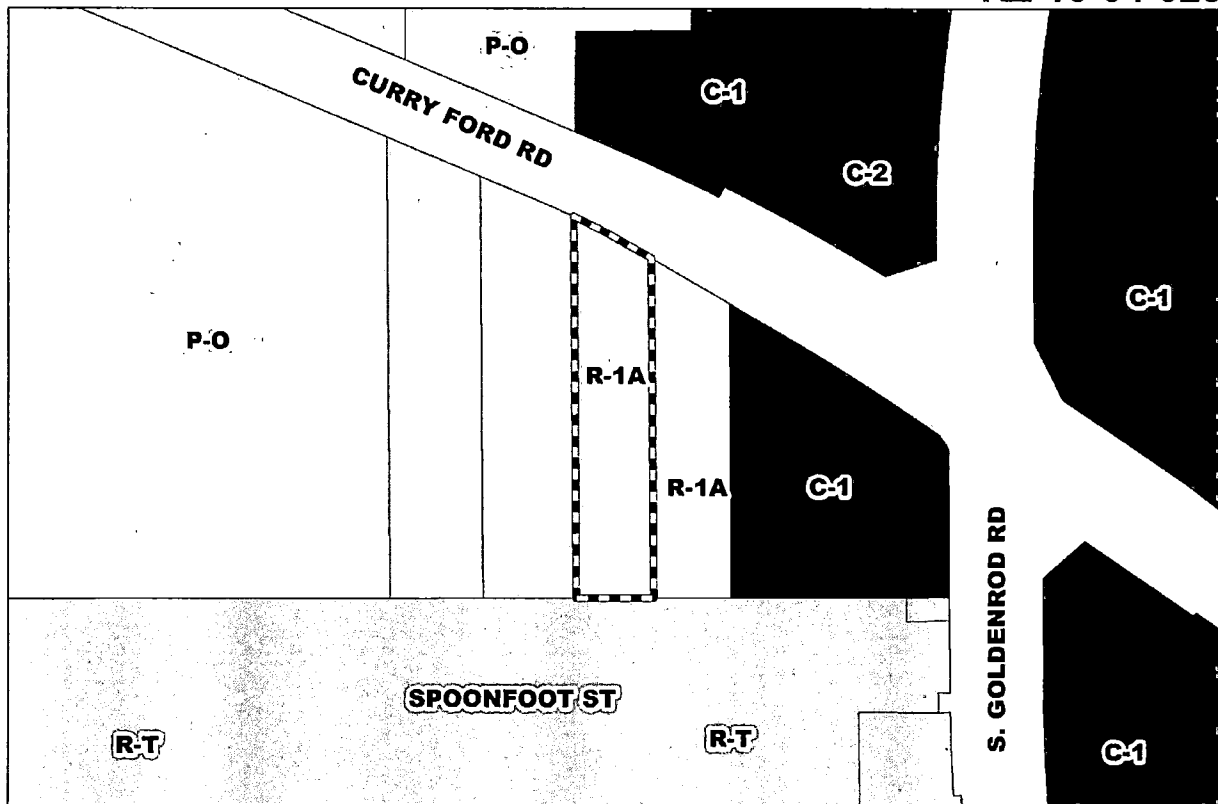
DISTRICT: # 3

S/T/R: 02/23/30

1 inch = 200 feet



RZ-18-04-025



Subject Property



★ Subject Property

### Zoning Map

**ZONING:** R-1A (Single-Family Dwelling District) to  
 P-O (Professional Office District)

**APPLICANT:** Ivonne Caparros

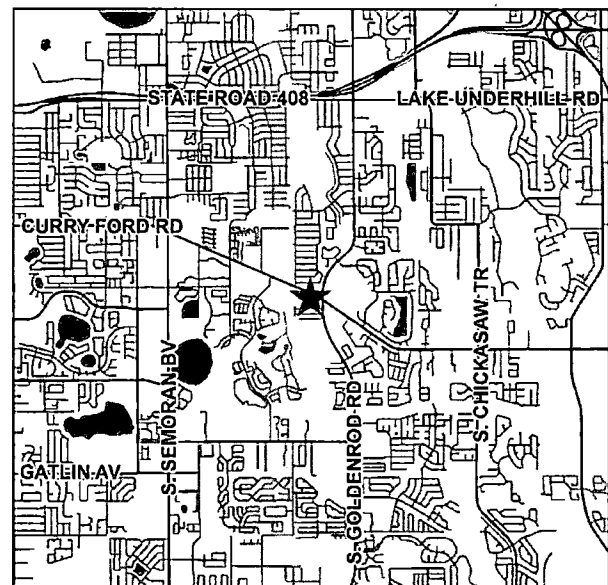
**LOCATION:** 7250 Curry Ford Road; or generally located  
 on the south side of Curry Ford Road,  
 approximately 430 feet west of  
 S. Goldenrod Road

**TRACT SIZE:** 1.06 gross acres

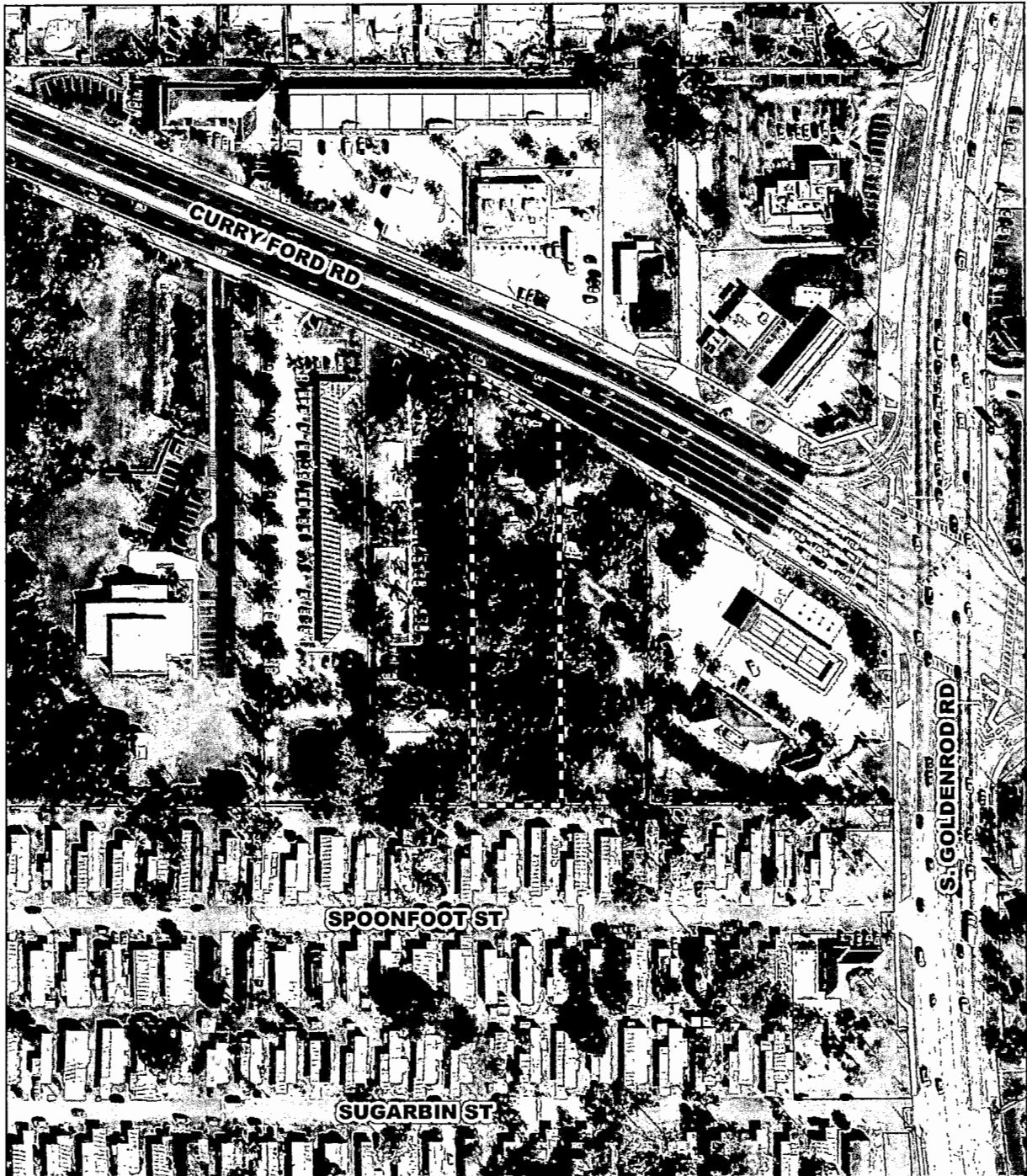
**DISTRICT:** # 3

**S/T/R:** 02/23/30

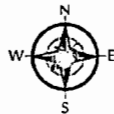
1 inch = 200 feet



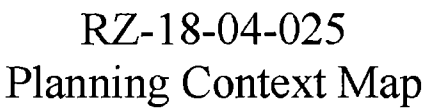
RZ-18-04-025



 Subject Property



1 inch = 150 feet

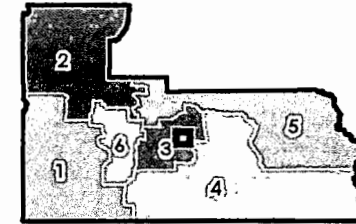
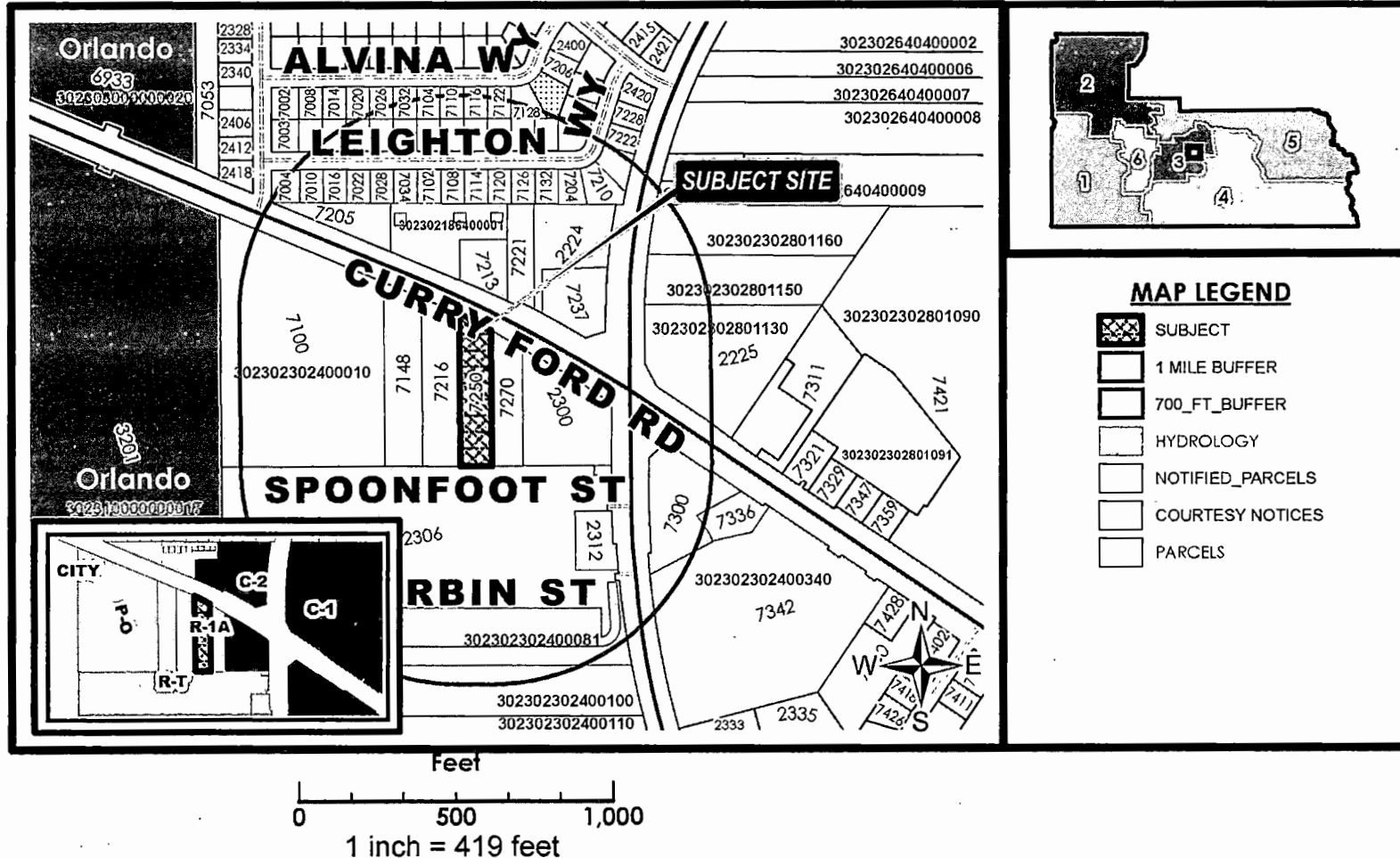




# Public Notification Map

RZ-18-04-025

700 FT BUFFER, 133 NOTICES



## Notification Map

Case # RZ-18-04-025  
Orange County Planning Division  
PZC Hearing Date: April 19, 2018