

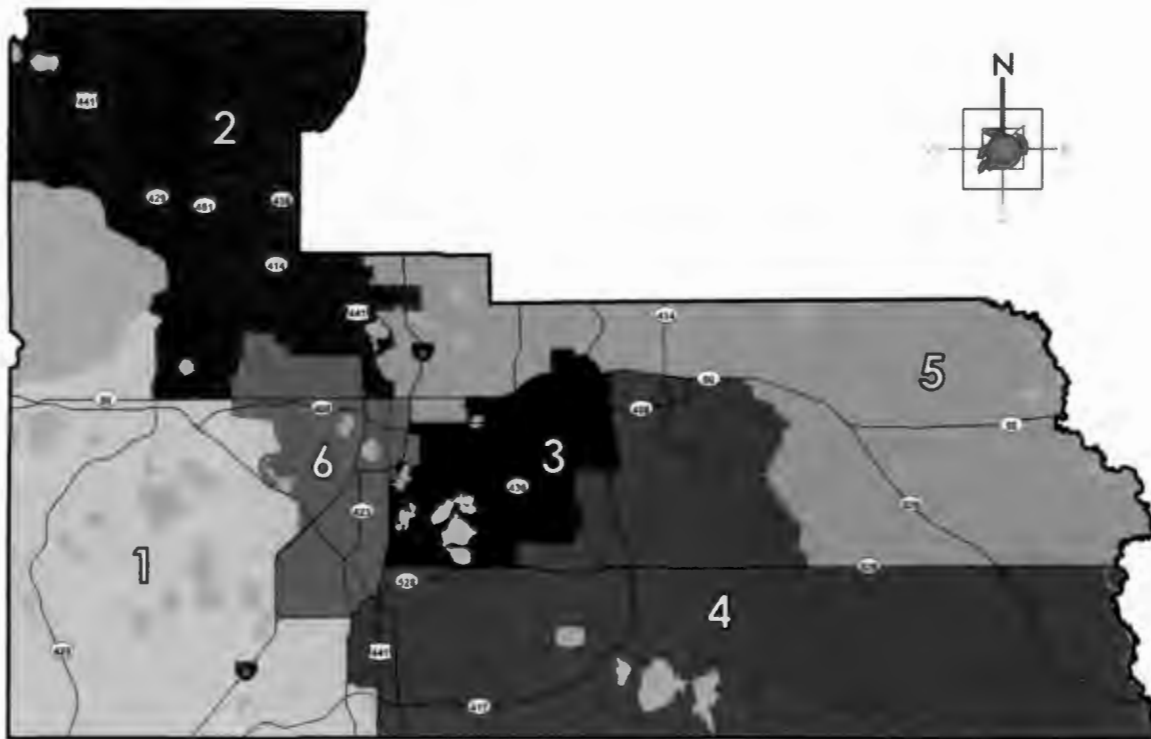


PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

DECEMBER 20, 2018



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

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



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TABLE OF CONTENTS
Planning and Zoning Commission
December 20, 2018

<u>Table of Contents</u>	i
<u>Table of Hearings</u>	ii
<u>Site and Building Requirements</u>	iii
<u>Buffer Yard Requirements</u>	vi

REZONING PUBLIC HEARINGS

RZ-18-12-054 District 4.....	1
RZ-18-12-055 District 3.....	12

TABLE OF HEARINGS
Planning and Zoning Commission
December 20, 2018

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-18-11-052 Edward J. Williams	<i>R-1 to R-2</i>	3	Denial	Continued to the 1/17/19 PZC Hearing	No
RZ-18-12-054 Roger Rezende	<i>A-2 to I-1/I-5</i>	4	Approval Subject to Two (2) Restrictions	Approval Subject to Two (2) Restrictions	No
RZ-18-12-055 Ferdinand J. Rivera	<i>A-2 to R-2</i>	3	Approval Subject to One (1) Restriction	Approval Subject to One (1) Restriction	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

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

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

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

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

FOOTNOTES

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

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

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

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

(a) *Buffer classifications:*

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

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

CASE # RZ-18-12-054

Commission District: #4

GENERAL INFORMATION

APPLICANT	Roger Rezende, Envirowaste Services Group, Inc.
OWNER	Envirowaste Services Group, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to I-1/I-5 (Industrial District)
LOCATION	Generally located on the south side of Young Pine Road, south of Derringer Drive
PARCEL ID NUMBER	16-23-31-0000-00-013
TRACT SIZE	1.94 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Twenty-four (24) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Truck Parking

STAFF RECOMMENDATION

PLANNING

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

- 1) Billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses.

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-1/I-5 (Industrial District) zoning is consistent with the Industrial 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.

FLU1.4.17 states Orange County seeks to retain an adequate supply of Industrial during the 2030 planning horizon, consistent with the findings of the County's most current Industrial Lands Analysis and the desire to maintain jobs to housing balance within the County. Industrial requests found to be consistent with the Comprehensive Plan in areas where there are industrial deficits should be supported, provided these locations are found to be compatible and services are available. Further, amendments to DRIs or PDs that have the effect of reducing industrial lands in these submarkets should be discouraged, consistent with FLU1.4.16.

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

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

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

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

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: A-2 (Farmland Rural District) (1957) W: PD/AN (Planned Development / Aircraft Noise Overlay District) (City of Orlando) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Undeveloped Land E: Undeveloped Land W: Undeveloped Land S: Orange County Landfill

I-1/I-5 (Industrial District) Development Standards

Max. Height: 50 feet (35 feet within 100 feet of any residential use or district)

Building Setbacks

Front: 35 feet
Rear: 25 feet
Side: 25 feet

Intent, Purpose, and Uses

I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is generally located on the south side of Young Pine Road, south of Derringer Drive. Through this request the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) to allow for a truck parking use.

The subject property is located within an industrial corridor established in the Future Land Use Map (FLUM), which extends from the residential subdivisions to the north of the property to the Orange County landfill to the south. There are several similar industrial uses surrounding the subject property along this industrial corridor. Three (3) parcels located on the north side of Young Pine Road to the east of the subject parcel have been rezoned from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District). The first of these parcels was rezoned in 1998 and the subsequent two (2) were rezoned in 2001. Additionally, five (5) parcels to the north of the subject property on Young Pine Road have been rezoned within this industrial corridor to I-1/I-5 between 2006 and 2018.

The City of Orlando has been notified of this request as the subject parcel is located adjacent to their jurisdiction. They have provided no comments on this case.

Comprehensive Plan (CP) Amendment

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

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

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.

Environmental

This site is within the boundary of the Pine Castle Jeep Range aka Pine Castle Bombing Range and Pine Castle Chemical Demonstration Range that is a Formerly Used Defense Site (FUDS). The applicant should use caution in the event any

unexploded ordinance is discovered during site studies, surveying or clearing. As a general safety precaution, all site workers should be trained if any suspicious items are located.

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

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

This site could be adversely impacted by the existing solid waste management activities from the Orange County landfill.

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

In accordance with FAC 62-532.400(7), potable wells are subject to a 500' setback from solid waste facilities.

Transportation / Access

Based on the Concurrency Management System database dated 11/05/18, there are no failing roadway segments within the project impact area and capacity is available to be encumbered. This information is dated and subject to change. The applicant will be required to obtain an approved capacity encumbrance letter prior to obtaining a building permit. The applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	16-inch watermain within Young Pine Road right-of-way
Wastewater:	Orange County Utilities	8-inch forcemain within Lee Vista Boulevard right-of-way
Reclaim Water:	Orange County Utilities	8-inch reclaimed water main within Lee Vista Boulevard right-of-way

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 – (December 20, 2018)

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

- 1) Billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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

Staff indicated that twenty-four (24) notices were mailed to surrounding property owners within a buffer extending beyond 1,500 feet from the subject property, with zero (0) commentaries received in opposition to this request, and zero (0) received in support. The applicant was present and there were no members of the public present to speak about this request.

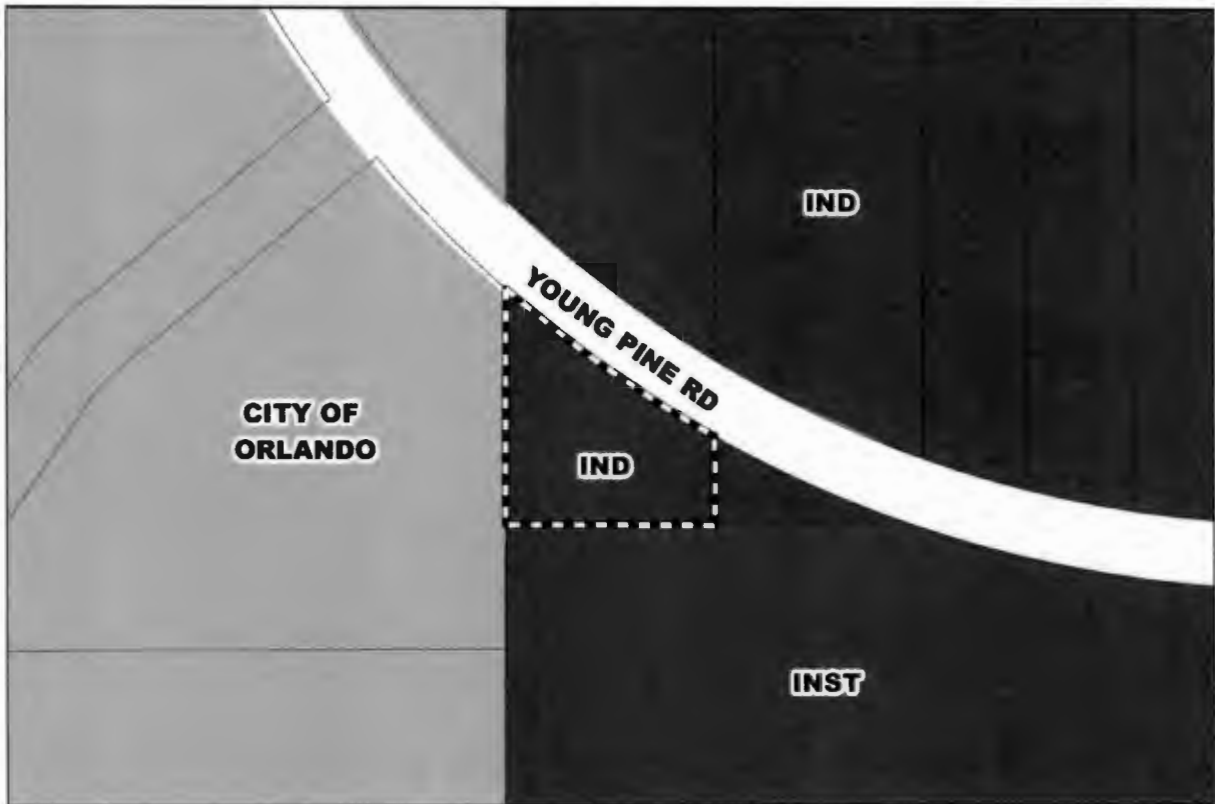
Following limited discussion, a motion was made by Commissioner Nazario and seconded by Commissioner Wade to recommend approval of the I-1/I-5 (Industrial District) zoning, subject to two (2) restrictions. The motion was carried on an 9-0 vote.

Motion / Second

Carlos Nazario / JaJa Wade

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

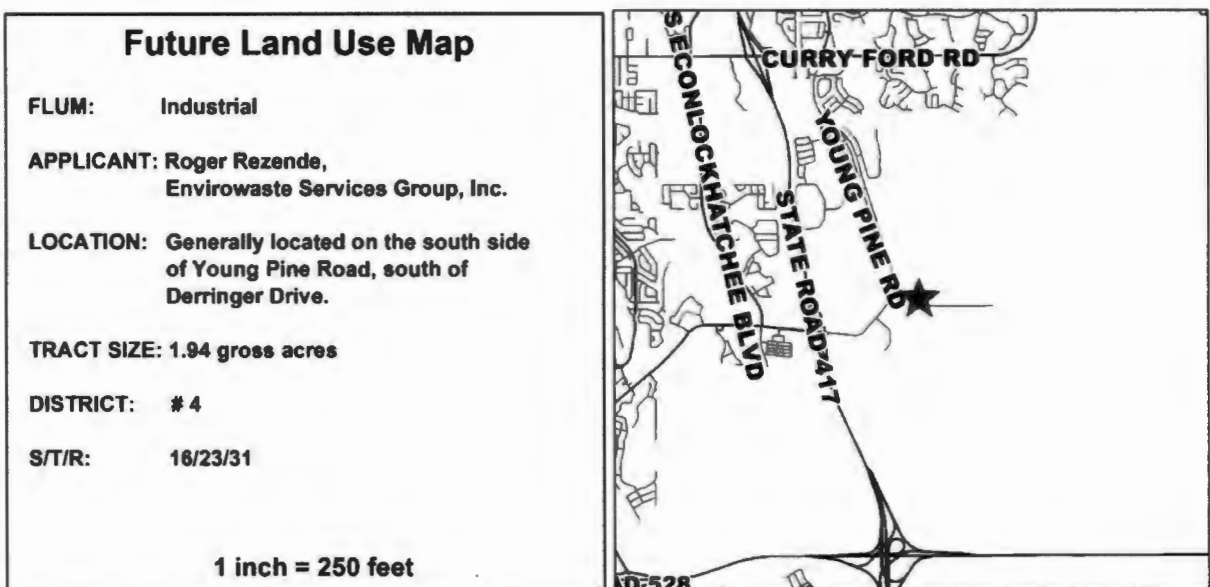
RZ-18-12-054



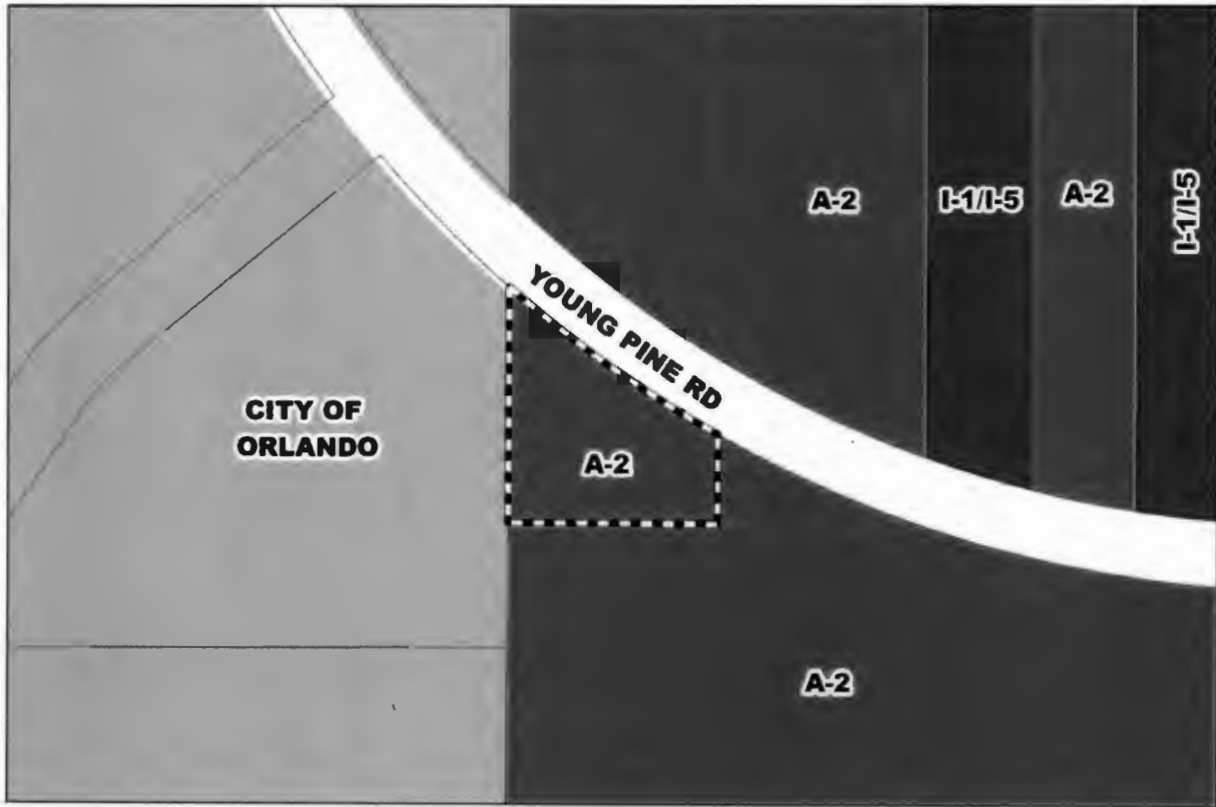
 Subject Property



★ Subject Property



RZ-18-12-054



Subject Property



Subject Property

Zoning Map

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

APPLICANT: Roger Rezende,
 Envirowaste Services Group, Inc.

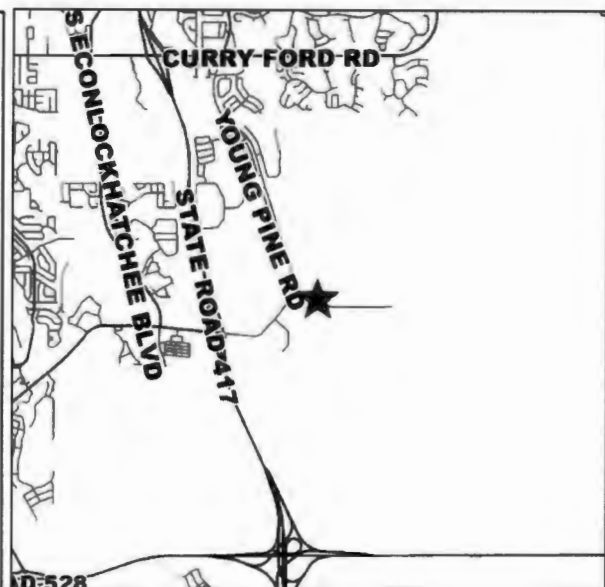
LOCATION: Generally located on the south side
 of Young Pine Road, south of
 Derringer Drive.

TRACT SIZE: 1.94 gross acres

DISTRICT: # 4

S/T/R: 16/23/31

1 inch = 250 feet



RZ-18-12-054



Subject Property



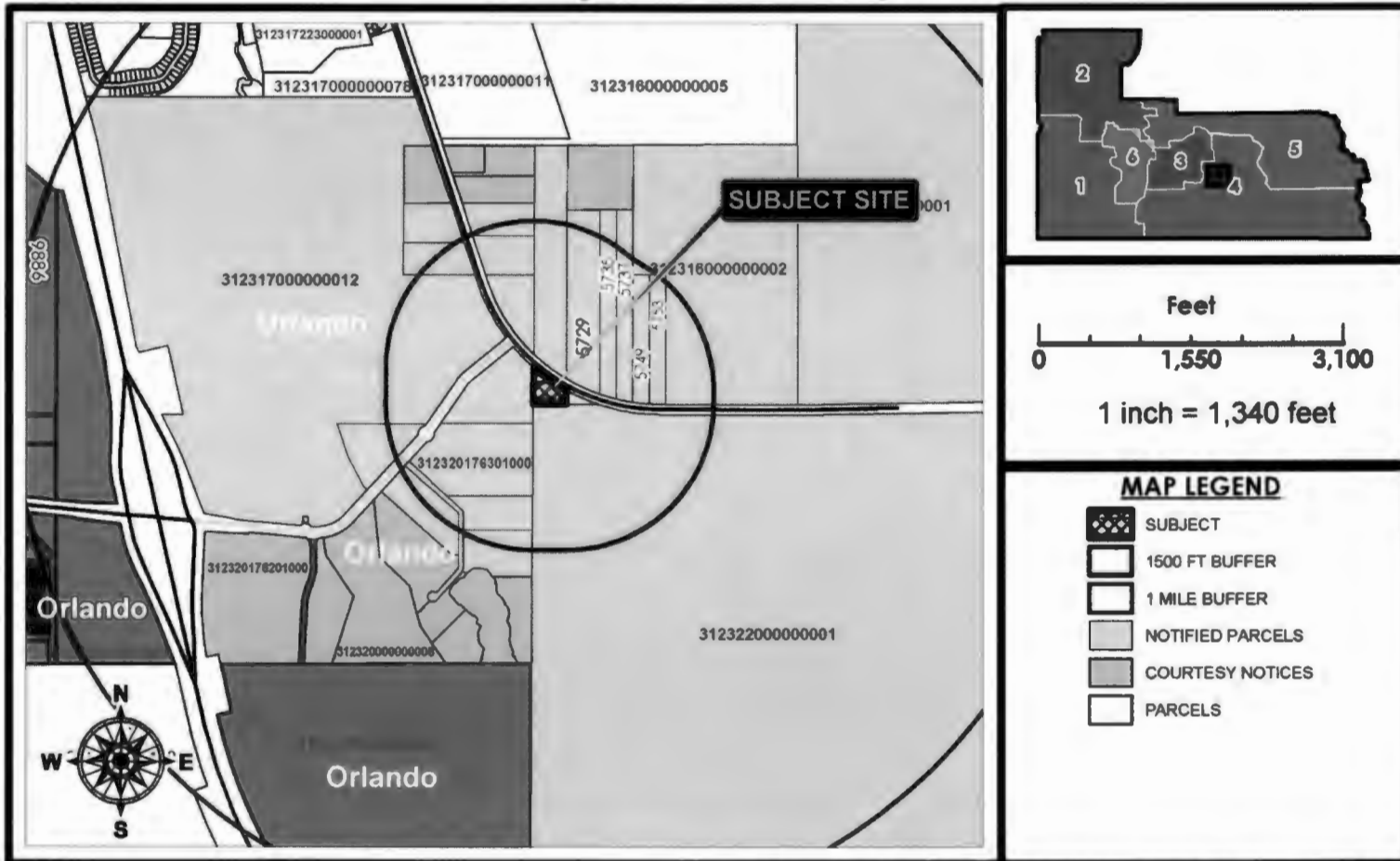
1 inch = 125 feet



Public Notification Map

RZ-18-12-054

1500 FT BUFFER, 24 NOTICES



Notification Map

Case # RZ-18-12-054
Orange County Planning Division
PZC Hearing Date: December 20, 2018

CASE # RZ-18-12-055

Commission District: #3

GENERAL INFORMATION

APPLICANT	Ferdinand J. Rivera
OWNERS	Ferdinand J. Rivera & Carlina Rivera
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-2 (Residential District)
LOCATION	8207 Curry Ford Road; or generally located on the north side of Curry Ford Road, approximately 1,400 feet west of S. Chickasaw Trail.
PARCEL ID NUMBER	01-23-30-0000-00-020
TRACT SIZE	3.55 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-nine (139) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Two (2) Single-Family Detached Dwelling Units (one per lot, pending approved lot split)

STAFF RECOMMENDATION

PLANNING

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

1. The subject property shall be limited to a maximum of ten (10) lots with single-family detached residential dwelling units.

IMPACT ANALYSIS

Land Use Compatibility

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

Comprehensive Plan (CP) Consistency

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

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

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

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

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

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

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

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

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered,

such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residence
Adjacent Zoning	N: A-2 (Farmland Rural District) E: A-2 (Farmland Rural District) and R-2 (Residential District) W: A-2 (Farmland Rural District) S: A-2 (Farmland Rural District)
Adjacent Land Uses	N: Tree Farm E: Single-Family Residence / Church W: Stormwater Pond S: Single-Family Residence / Undeveloped Land

R-2 (RESIDENTIAL DISTRICT) DEVELOPMENT STANDARDS

One-Family Dwelling

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

Building Setbacks:

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

Two Dwelling Units

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.

Building Setbacks:

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

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.
Rear: 30 ft.
Side: 10 ft.

Four or More Dwelling Units

Min. Lot Area: 15,000 sq. ft.
Min. Lot Width: 85 ft.
Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.
Rear: 30 ft.
Side: 10 ft.

Intent, Purpose, and Uses

The intent and purpose of the R-2 residential district is as follows:

- (1) To provide for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building within areas designated in adopted county development plans and policies for low-medium and medium density residential development.
- (2) To encourage the development of attached dwelling units in a manner compatible with the detached dwellings permitted in single-family residential districts when and where adequate access and public service are available.
- (3) To establish standards for low-medium and medium density residential development adequate to protect the public health, safety, and general welfare.

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 8207 Curry Ford Road, or generally on the north side of Curry Ford Road, approximately 1,400 feet west of S. Chickasaw Trail. The Future Land Use Map (FLUM) designates the subject property and surrounding neighborhoods as Low-Medium Density Residential (LMDR), which allows for up to ten (10) dwelling units per acre of single-family or multi-family development.

The subject property is currently zoned A-2 (Farmland Rural District), which has existed prior to the establishment of the Future Land Use Map, and is currently developed with a single-family residence and a detached accessory structure (shed).

Through this request the applicant is seeking to rezone the subject property to R-2 (Residential District) to be consistent with the underlying FLUM designation and intends to split the lot and develop a single-family residence on the resulting new lot in the future.

The area surrounding the subject property is characterized primarily by single-family attached and detached units with a variety of lot sizes. Between the early 1980's and today, the majority of the properties and neighborhoods in the area were rezoned to either R-1 (Single-Family Dwelling District) or R-2 (Residential District). The parcel adjacent to the subject property to the east was rezoned from A-2 (Farmland Rural District) to R-2 (Residential District) in 1996 (Z-96-063) with the restriction that the property is limited to detached single-family units. Across Curry Ford Road, the property to the southeast, as well as the subdivision to the southwest of the subject property, were rezoned in 1988 and 1989 respectively from A-2 (Farmland Rural District) to R-2 (Residential District) with restrictions limiting the sites to 7.5 dwelling units per acre in order to allow for single-family developments. There is also an approved Planned Development (Montilla Townhomes PD) to the west of the County owned stormwater pond adjacent to the subject property, which was approved in 2009 for thirty-six (36) townhome units.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density (LMDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

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

Community Meeting Summary

A community meeting was not required for this request.

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

Environmental

The subject site has prior uses that could have resulted in soil and/or groundwater contamination. Future users of the site are responsible for compliance with the Florida Department of Environmental Protection (FDEP) regulations including, but not limited to, 62-777 Contaminant Cleanup Target Levels. Sampling of soils and/or groundwater may also be required as well as remediation of the site if necessary prior to approval of future plans.

Commercial activities from the adjacent property to the North may result in noise disturbances. No person shall produce, or allow to be produced, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to section 15-183, exceeds the sound levels in Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-182 Maximum permissible sound levels.

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

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

Transportation / Access

Based on the Concurrency Management System database dated November 5, 2018, there is one (1) failing roadway segment within the project's impact area. Chickasaw Trail from Cascade Road to Curry Ford Road is currently operating below the adopted level of service and there is no available capacity. This information is dated and subject to change. The Applicant will be required to comply with concurrency prior to obtaining a building permit. The Applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit. The Applicant may also be required to attend Roadway Agreement Committee to participate in Proportionate Share Agreement.

Code Enforcement

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

Utilities

Water:	Orange County Utilities	A 24-inch watermain is located within Curry Ford right-of-way.
Wastewater:	Orange County Utilities	A 24-inch force main is located within Curry Ford right-of-way.

Reclaim Water: Orange County Utilities Not Currently Available.

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimis"; therefore a Capacity Enhancement Agreement (CEA) is not required. The proposed restriction of ten (10) dwelling units is intended to maintain the "de minimis" school impact.

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 – (December 20, 2018)

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

1. The subject property shall be limited to a maximum of ten (10) 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-2 (Residential District) zoning, subject to one (1) restriction.

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

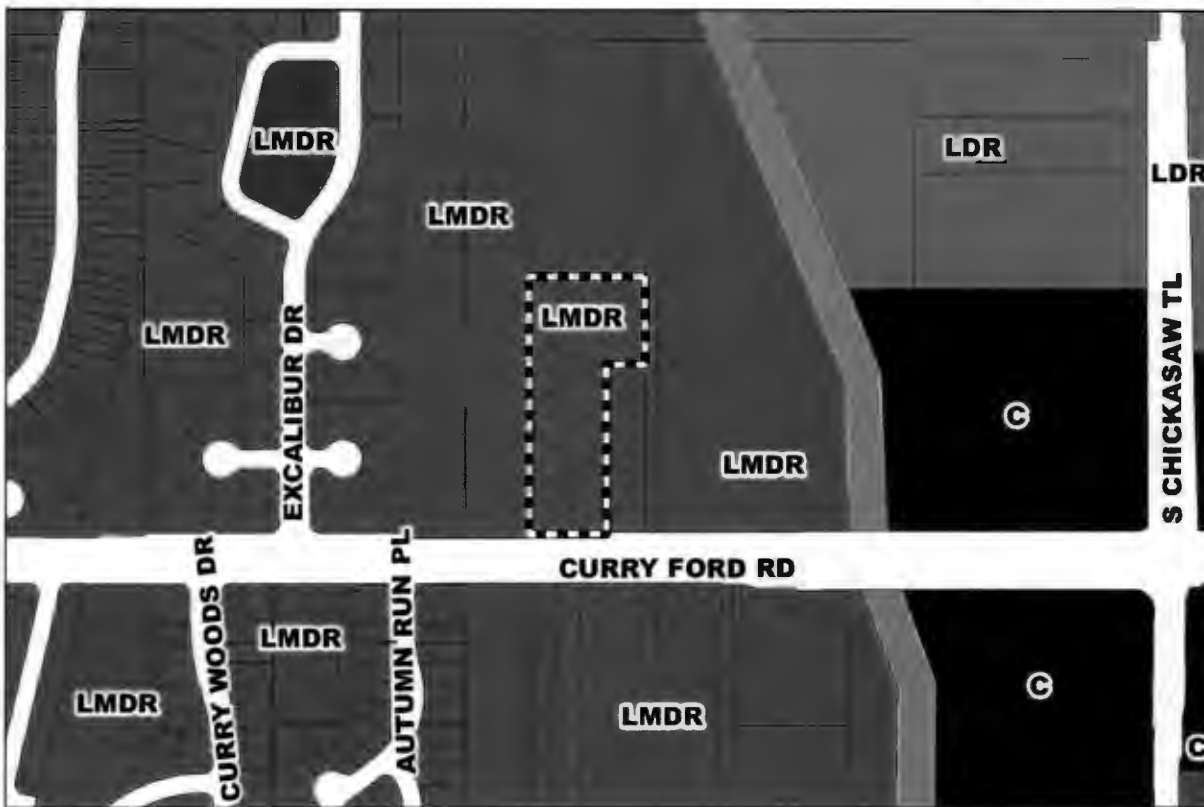
Following limited discussion, a motion was made by Commissioner Demostene and seconded by Commissioner Cantero to recommend approval of the R-2 (Residential District) zoning, subject to one (1) restriction. The motion was carried on an 9-0 vote.

Motion / Second

Tina Demostene / Jose Cantero

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

RZ-18-12-055



Subject Property



Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Ferdinand J. Rivera

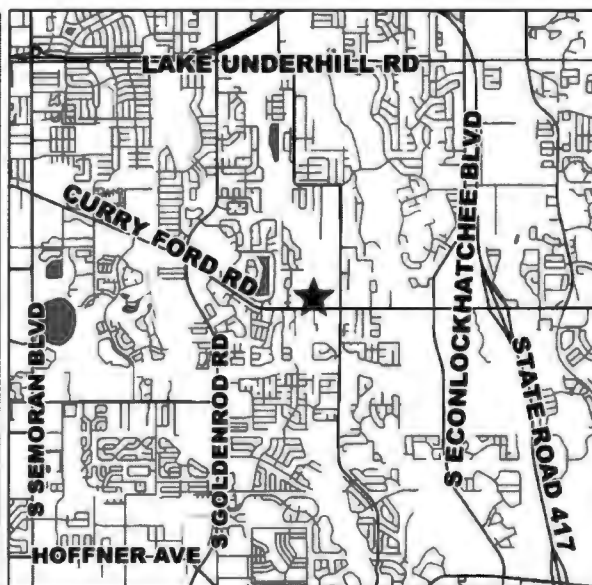
LOCATION: 8207 Curry Ford Road; or generally located on the north side of Curry Ford Road, approximately 1,400 feet west of S. Chickasaw Trail.

TRACT SIZE: 3.55 gross acres

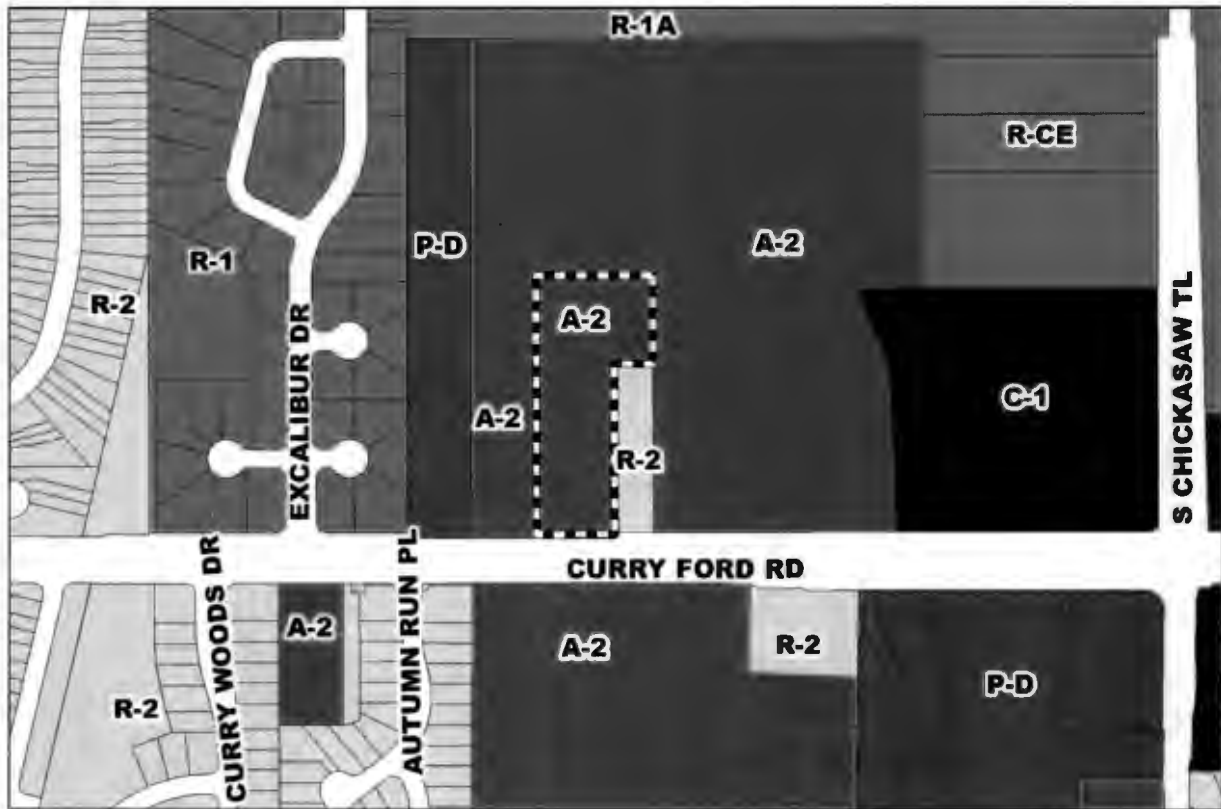
DISTRICT: # 3

S/T/R: 01/23/30

1 inch = 400 feet



RZ-18-12-055



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District)

APPLICANT: Ferdinand J. Rivera

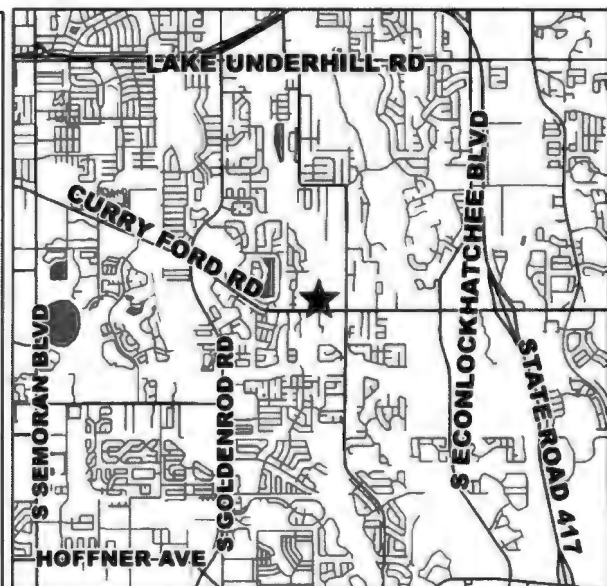
LOCATION: 8207 Curry Ford Road; or generally located on the north side of Curry Ford Road, approximately 1,400 feet west of S. Chickasaw Trail.

TRACT SIZE: 3.55 gross acres

DISTRICT: # 3

S/T/R: 01/23/30

1 inch = 400 feet



RZ-18-12-055



Subject Property



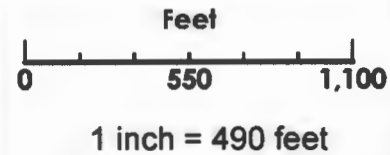
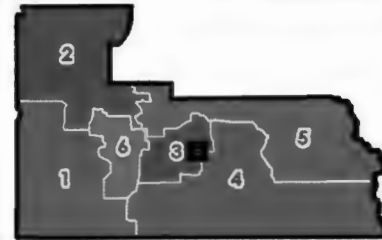
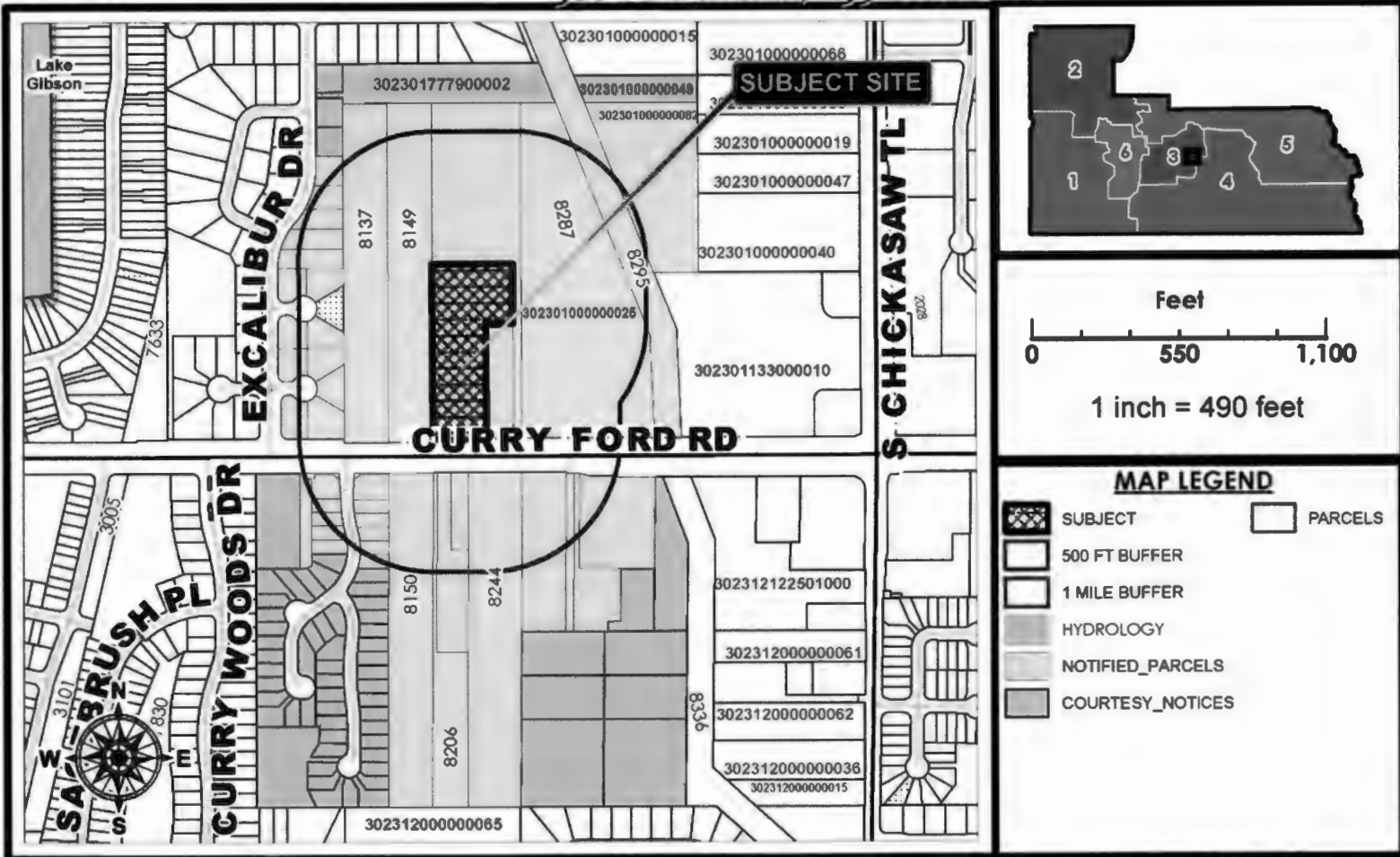
1 inch = 250 feet



Public Notification Map

RZ-18-12-055

500 FT BUFFER, 139 NOTICES



MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY_NOTICES
- PARCELS

Notification Map

Case # RZ-18-12-055
Orange County Planning Division
PZC Hearing Date: December 20, 2018

