

PLANNING AND ZONING COMMISSION

# LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS MARCH 21, 2019



PREPARED BY: ORANGE COUNTY GOVERNMENT PLANNING DIVISION | CURRENT PLANNING SECTION

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

 $\overline{\mathbf{x}}$ 

James Dunn	District #1
Diane Velazquez	District #2
Eddie Fernandez	District #3
Carlos D. Nazario, Jr.	District #4
J. Gordon Spears Vice Chairperson	District #5
JaJa J. Wade	District #6
Mohammed Abdallah	At Large
Yog Melwani Chairperson	At Large
Jose Cantero	At Large

# <u>TABLE OF CONTENTS</u> Planning and Zoning Commission March 21, 2019

Table of Contents	i
Table of Hearings	ii
Site and Building Requirements	
Buffer Yard Requirements	vi
CONVENTIONAL REZONING PUBLIC HEARINGS	
RZ-19-01-061 District 5	1
RZ-19-03-001 District 4	11
RZ-19-03-002 District 6	

March 21, 2019

# TABLE OF HEARINGS

# **Planning and Zoning Commission**

March 21, 2019

Case # <u>Applicant</u>	Request	Commission <u>District</u>	Recomme <u>Staff</u>	ndations <u>PZC</u>	BCC Hearing <u>Required</u>
I. REZONING PU	JBLIC HEARINGS				
RZ-19-01-061 Michael D Harding	C-1 to C-2	5	Denial	Denial	No
RZ-19-03-001 Jose Garcia	R-CE to R-1AAA	4	Approval with one (1) restriction	Aprroval with one (1) restriction	No
RZ-19-03-002 Grace & Olatunju Odunmbaku	R-1A to NR	6	Approval	Approval	No

PZC Recommendation Book

March 21, 2019

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

**PZC Recommendation Book** 

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

Distrie	t Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot w (ft.)	idth	Min. front yard (ft.) a	Min. rear yard (ft.) o	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on ma streets (se Art. XV); 8 all other streets f	e	25, except on major streets a provided in Art XV		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 ma streets (se Art. XV); 1 for all othe streets g	e .00	25, except on major streets a provided in Art XV		5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	a
Distri	ct Min. front yard (feet)	Min. rear yard	(feet) N	Ain. side	e yard (feet)	Max. building h	height (feet)		
I-1A	35	25	25			50, or 35 within	100 ft. of any resident	ial use or district	
1-1/1	-5 35	25	2	5		50, or 35 within	100 ft. of any resident	ial 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

15

25

50, or 35 within 100 ft. of any residential use or district

50, or 35 within 100 ft. of any residential use or district

and area requirements for use of septic tanks and/or wells.

10

10

FOOTNOTES

1-2/1-3

1-4

25

35

- 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.
- 5 Side setback is 30 feet where adjacent to single-family district.
- 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.
- q 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 for 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.



PZC Recommendation Book

#### 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: March 21, 2019

# CASE # RZ-19-01-061 Commission District: #5

# **GENERAL INFORMATION**

APPLICANT	Michael D. Harding, MHarding Enterprises, Inc.				
OWNER	Yogi Carpet and Tile, Inc.				
HEARING TYPE	Planning and Zoning Commission				
REQUEST	C-1 (Retail Commercial District) <b>to</b> C-2 (General Commercial District)				
LOCATION	7309 E. Colonial Drive; or generally located on the north side of E. Colonial Drive, the west side of Dorris Drive, approximately 1,100 feet east of N. Forsyth Road				
PARCEL ID NUMBER	14-22-30-8646-02-090				
TRACT SIZE	0.83-gross acre				
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 ninety-three (193) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.				
PROPOSED USE	Outdoor storage and display of merchandise and overnight vehicle parking				

# STAFF RECOMMENDATION

#### PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

#### **ALTERNATIVE RECOMMENDATION**

If the Planning and Zoning Commission (PZC) makes a finding of consistency with the Comprehensive Plan and recommends APPROVAL of the requested C-2 (General Commercial District) zoning, staff recommends that the zoning be subject to the following restrictions:

1) New billboards and pole signs shall be prohibited;

PZC Recommendation Book

1

- 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 C-2 uses;
- 3) All overnight vehicle parking shall be located on a paved surface; and
- 4) The subject property shall be limited to C-1 (Retail Commercial District) uses, as well as the C-2 (General Commercial District) use of outdoor display, outdoor storage, and overnight vehicle parking (excluding truck rentals). 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 incompatible with the character of the surrounding area and may adversely impact adjacent properties.

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject properties is Commercial (C). While the requested C-2 (General Commercial District) zoning is consistent with the "C" FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that land use 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.

**OBJ N1.1** states that future land use changes are shall be compatible with or do not adversely impact existing or proposed neighborhoods.

# SITE DATA

Existing Use

**Retail Flooring** 

Adjacent Zoning

- N: R-1A (Single-Family Dwelling District) (1957)
- E: C-1 (Retail Commercial District) (1957)
- W: C-1 (Retail Commercial District) (1957)

Single-Family Residential

S: C-2 (General Commercial District) (1968)

\*No zoning restrictions apply to the above

Adjacent Land Uses

E: Office

N:

- W: Restaurant
- S: Automobile Sales

# 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)

#### Intent, Purpose, and 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 7309 E. Colonial Drive; or generally located on the north side of E. Colonial Drive, the west side of Dorris Drive, approximately 1,100 feet east of N. Forsyth Road. The E. Colonial Drive corridor is developed with a mixture of commercial properties of varying intensities as well as a single-family residential neighborhood to the north of the subject property.

Through this request, the applicant is seeking to rezone the subject property from C-1 (Retail Commercial District) to C-2 (General Commercial District) in order to permit outdoor storage and display of merchandise and overnight vehicle parking related to the business. This rezoning has been initiated as a result of code enforcement action, as outdoor storage and display, as well as overnight vehicle parking, is not permitted in the C-1 zoning district.

Although the subject parcel is located near existing C-2 zoned property, staff has determined that the proposed request to rezone the subject property to C-2 zoning district would adversely impact the adjacent single-family development and may encourage the advancement of additional C-2 or C-3 zoning adjacent to the existing single-family neighborhood.

Furthermore, Orange County Code Section 38-851, states that the C-2 zoning district should not be located adjacent to single-family residential zoning districts. This is because of the variety of uses that are permitted in the C-2 zoning district that are incompatible with single-family zoned properties, such as outdoor storage, vehicle repair, outdoor sales, etc.

While there are C-2 and C-3 parcels located near the subject property adjacent to the single-family neighborhood, most of the existing C-2 and C-3 zoned parcels have been zoned in their current state prior to the adoption of the C-2 and C-3 residential adjacency requirements in 1995.

Lastly, Orange County Comprehensive Plan Policies FLU 1.4.2 and 1.4.4 require that all land use changes be compatible with existing neighborhoods and that poorly

4

located / designed commercial activities near residential areas be avoided. Given this analysis, staff is recommending denial of this application.

#### **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.

#### **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 JPA.

#### **Overlay District Ordinance**

The subject property is located within the State Road 436 / State Road 50 Corridor Overlay District. This overlay district prohibits the operation of certain uses within its boundaries. The proposed use is not prohibited by this overlay district.

#### **Airport Noise Zone**

The subject property is located within Airport Noise Zone "E".

#### Environmental

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.

#### **Transportation / Access**

Based on the Concurrency Management System database dated December 20, 2018, there are no failing roadways within a one mile radius of this project and capacity is available to be encumbered. This information is dated and is subject to change. An approved Capacity Encumbrance Letter (CEL) is required prior to obtaining building permit.

#### **Code Enforcement**

There is one (1) active Code Enforcement case on the subject property. This case is filed under Incident #521781, which relates to the outdoor storage and display of merchandise, open storage of junk and debris, storage of a dual rear wheel vehicle, lack of permits for a fence, and occupation of a Recreational Vehicle (RV) on the property. As of this staff report, all items were addressed, with the exception of the fence and RV. This violation is outstanding and was heard at the February 4, 2019 Code Enforcement Board (CEB) hearing, where the applicant was deemed guilty by the CEB.

#### Utilities

Water:	Orange County Utilities	12-inch watermain within the E. Colonial right-of-way
Wastewater:	Orange County Utilities	8-inch and 21-inch gravity main within the E. Colonial right-of-way
Reclaim Water:	Orange County Utilities	Not available

#### Schools

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

#### Parks and Recreation

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

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

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

# ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 17, 2019)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial 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 inconsistency with the Comprehensive Plan and recommend denial of the requested C-2 (General Commercial District) zoning.

Staff indicated that one hundred ninety-three (193) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received in favor of the request, and four (4) in opposition. The applicant

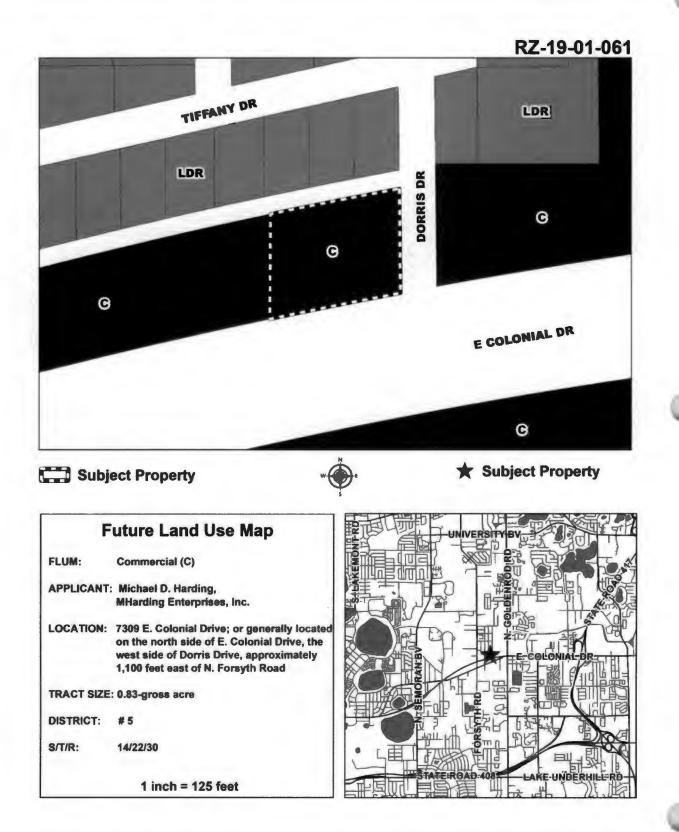
was present for the hearing and disagreed with staff's recommendation. One (1) member of the public was present who voiced her opposition to the request due to storage of equipement, vehicles, and merchandise in the shared public alley.

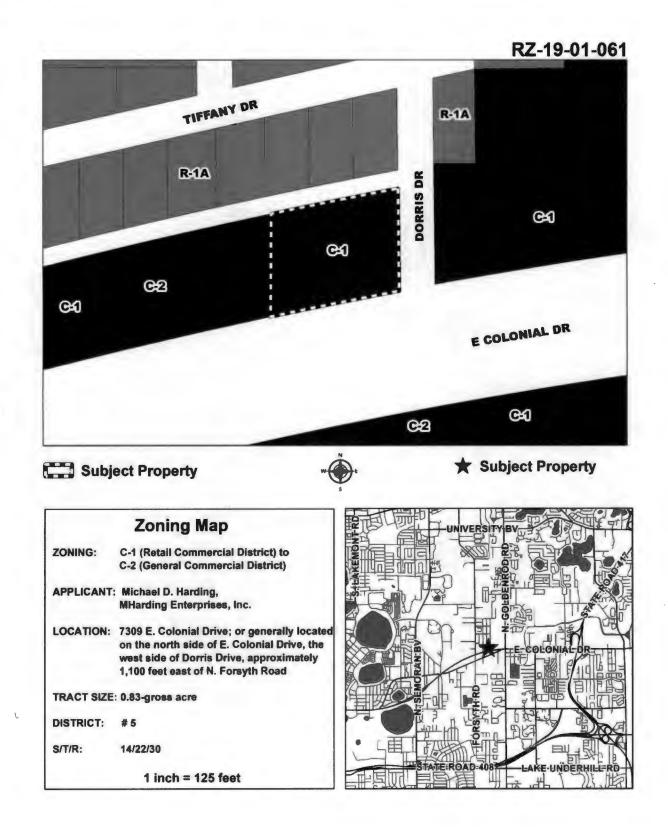
After lengthy discussion regarding prior code enforcement action, general operation of the property, and site compliance with the code, a motion was made by Commissioner Spears to find the request to be inconsistent with the Comprehensive Plan and recommend DENIAL of the C-2 (General Commercial District) zoning. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

Motion / Second	Gordon Spears / Jose Cantero
Voting in Favor	Gordon Spears, Jose Cantero, JaJa Wade, Diane Velazquez, Jimmy Dunn, Carlos Nazario, Mohammed Abdallah, Yog Melwani, and Eddie Fernandez

Voting in Oppositon

None







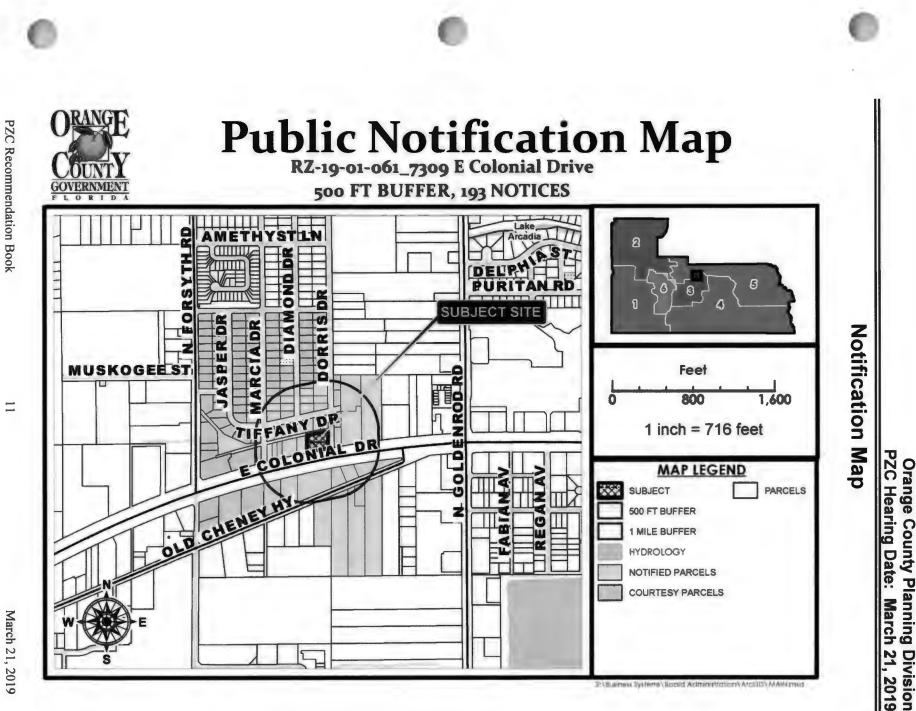
RZ-19-01-061

Subject Property



1 inch = 100 feet

PZC Recommendation Book



Case # RZ-19-01-061

Case Planner: Steven Thorp Rezoning Staff Report Orange County Planning Division PZC Hearing Date: March 21, 2019

# CASE # RZ-19-03-001 Commission District: #4

# **GENERAL INFORMATION**

APPLICANT	Jose Garcia
OWNERS	Miguel A. and Aida C. Leon
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-CE</b> (Country Estate District) <b>to</b> <b>R-1AAA</b> (Residential Urban District)
LOCATION	838 Hardwick Avenue; or generally located on the west side of Hardwick Avenue, approximately 500 feet north of Jepson Street.
PARCEL ID NUMBER	20-22-31-6352-08-111
TRACT SIZE	2.37 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]. Two hundred forty-eight (248) 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-1AAA (Residential Urban District) zoning, subject to the following restriction:

1) The minimum lot size shall be one (1) acre.

# IMPACT ANALYSIS

#### Land Use Compatibility

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

#### Comprehensive Plan (CP) Consistency

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

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

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

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

**OBJ FLU2.1** 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. 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	Sing	Single-Family Dwelling	
Adjacent Zoning	N:	R-CE (Country Estate District) (1972)	
	E:	R-CE (Country Estate District) (1972)	
	W:	R-1 (Single-Family Dwelling District) (1974)	
	C.	P.CE (Country Estate District) (1072)	

S: R-CE (Country Estate District) (1972)

\*No zoning restrictions apply to the above.

Adjacent Land Uses	N:	Single-Family Dwelling
	E:	Single-Family Dwelling
	W:	Single-Family Dwelling
	S:	Single-Family Dwelling

# R-1AAA (Residential Urban District) Development Standards

14,520 sq. ft. (1/3 ac.)
95 ft
35 ft
1,500 sq. ft.

<b>Building Setbacks</b>	
Front:	30 ft.
Rear:	35 ft.
Side:	10 ft.

#### Intent, Purpose, and Uses

The intent and purpose of the R-1AAA residential urban district is to provide for singlefamily homes of a low density within the existing or planned urban service area.

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

# SPECIAL INFORMATION

#### **Subject Property Analysis**

The subject property is located at 838 Hardwick Avenue; or generally located on the west side of Hardwick Avenue, approximately 500 feet north of Jepson Street. The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR), which allows for up to four (4) dwelling units per acre. The subject property is currently zoned R-CE (Country Estate District) and is developed with a single-family detached dwelling.

The subject property was platted as part of the Orlando Improvement Company Number 3 plat, which was recorded on November 26, 1952 under Plat Book S Page 100. It is shown as the northern half of Lot 11 on the plat. The applicant is requesting to rezone to R-1AAA (Residential Urban District) in order to apply for a lot split and construct a single-family detached dwelling on the resulting parcel.

Within the R-CE zoned part of Hardwick Avenue, there are existing parcels that are approximately one (1) acre or less in size, which is consistent with the request by the applicant and their proposed lot split survey showing two (2) 1.19 acre lots. Staff is recommending approval, subject to the proposed lots being a minimum of one (1) acre in size in order to ensure compatibility with the existing neighborhood and consistency with the previous development patterns of the area.

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

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

### **State of Florida Notice**

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

#### **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 JPA.

#### **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. The applicant shall also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

#### **Transportation / Access**

Based on the Concurrency Management System database dated February 14, 2019 there is one (1) failing roadway segment within the project's impact area. Econlockhatchee Trail from Lake Underhill Road to Valencia College Lane 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.

#### **Code Enforcement**

There are no active code enforcement violations on the subject property.

#### Utilities

tilities			
Water:	Orange County Utilities	8-inch gravity sewer intersection of Hardwic Jepson	at the k and
Wastewater:	Orange County Utilities	8-inch gravity sewer intersection of Hardwic Jepson.	at the k and
Reclaim Water:	Orange County Utilities	Not 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.

#### Parks and Recreation

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

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

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

# ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (March 21, 2019)

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

1) The minimum lot size shall be one (1) acre.

#### PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

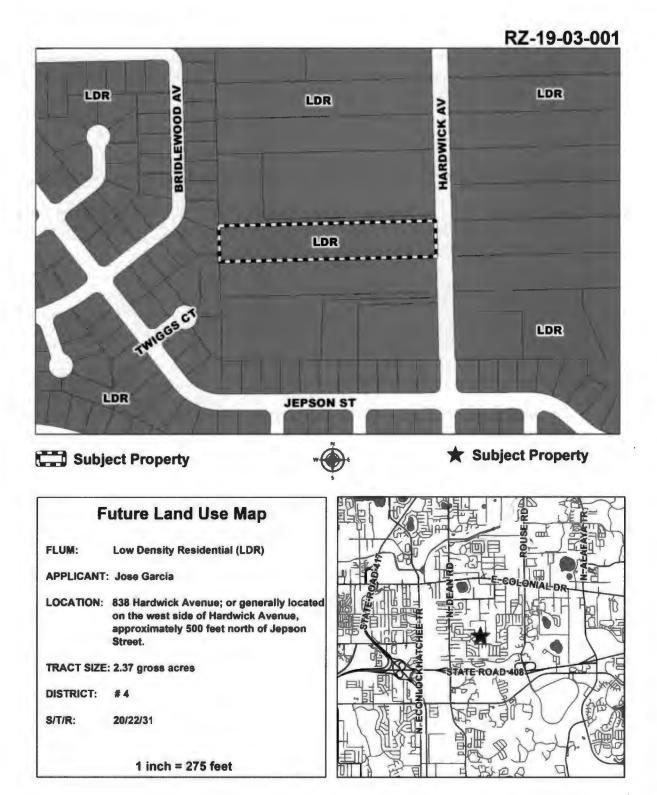
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-1AAA (Residential Urban District) zoning.

Staff indicated that two hundred forty-eight (248) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with one (1) commentary received in favor of the request, and three (3) in opposition. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Nazario to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-1AAA (Residential Urban District) zoning. Commissioner Dunn seconded the motion, which then carried on a 9-0 vote.

Motion / Second	Carlos Nazario / Jimmy Dunn
Voting in Favor	Carlos Nazario, Jimmy Dunn, Jose Cantero, Mohammed Abdallah, Yog Melwani, Diane Velazquez, JaJa Wade, Eddie Fernandez, and Gordorı Spears
Voting in Opposition	None
Absent	None

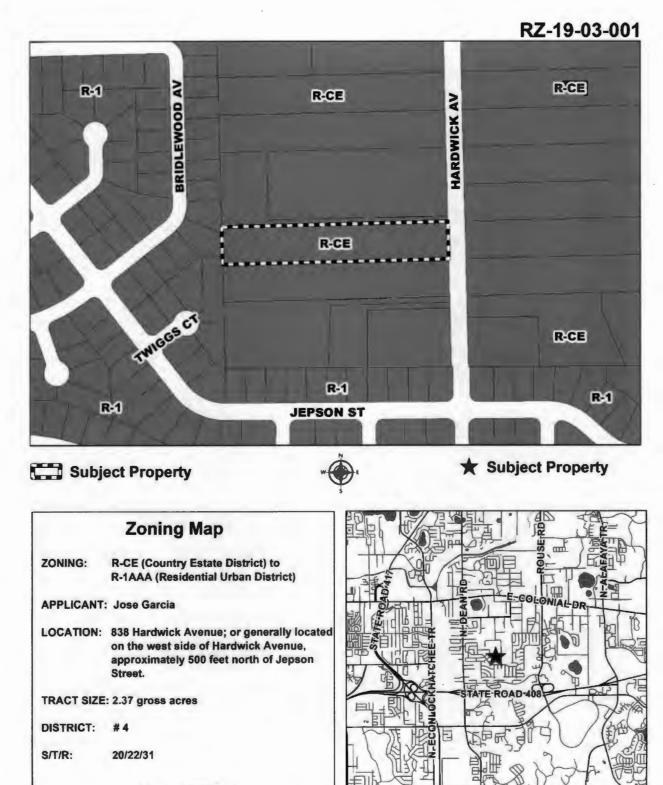
PZC Recommendation Book



March 21, 2019

PZC Recommendation Book

# Case # RZ-19-03-001 Orange County Planning Division



1 inch = 275 feet



19



RZ-19-03-001

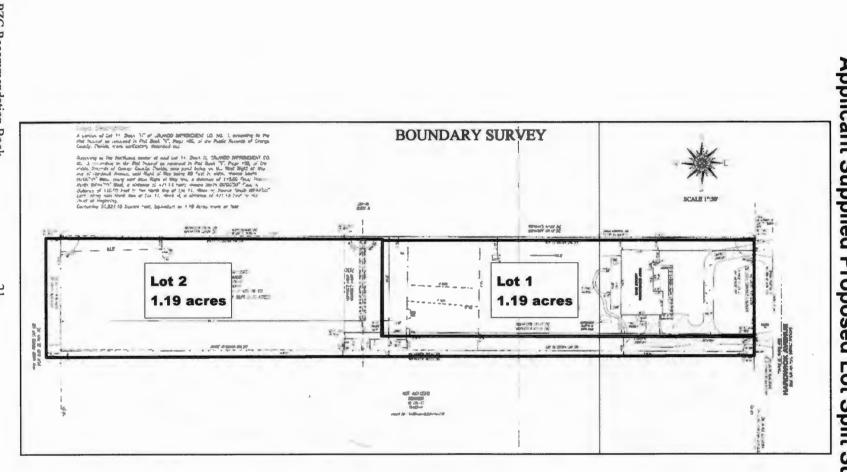
Subject Property



1 inch = 200 feet







PZC Recommendation Book

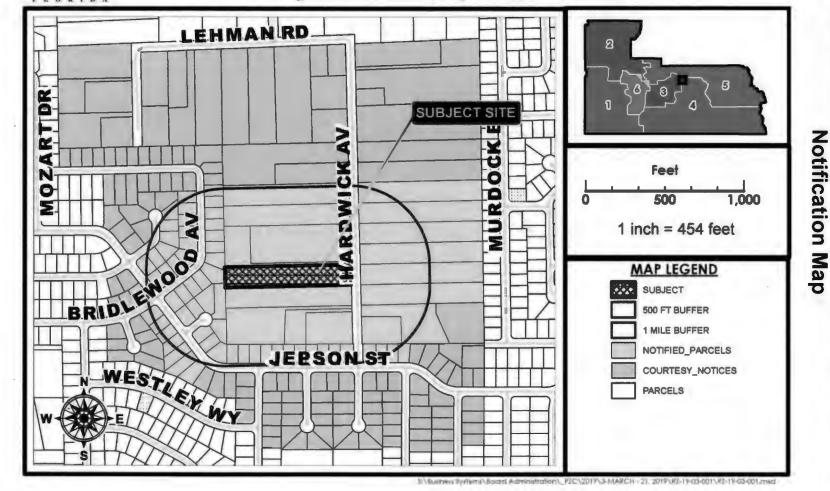
21

March 21, 2019



# Public Notification Map

500 FT BUFFER, 248 NOTICES



Orange County Planning Division PZC Hearing Date: March 21, 2019

Case # RZ-19-03-001

PZC Recommendation Book

22

March 21, 2019

Case Planner: Nicolas Thalmueller

# Rezoning Staff Report Orange County Planning Division PZC Hearing Date: March 21, 2019

# CASE # RZ-19-03-002

Commission District: #6

# **GENERAL INFORMATION**

APPLICANT	Grace A. and Olatunji M. Odunmbaku
OWNERS	Grace A. and Olatunji M. Odunmbaku
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Residential District) to NR (Neighborhood Residential District)
LOCATION	1512 20th Street, or generally on the south side of 20th Street, north of W. Kaley Avenue, west of S. Nashville Avenue, and east of S. Rio Grande Avenue
PARCEL ID NUMBER	03-23-29-1402-07-120
TRACT SIZE	0.31-gross acre
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 seventy-four (174) 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 NR (Neighborhood Residential District) zoning.

#### IMPACT ANALYSIS

#### Land Use Compatibility

The NR (Neighborhood 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 Neighborhood Residential (NR). The proposed NR (Neighborhood Residential District) zoning is consistent with the Neighborhood Residential FLUM designation and the following Comprehensive Plan provisions:

**FLU1.1.4(C)** states that the Neighborhood Residential (NR) Future Land Use Map designation provides for diverse residential densities at higher densities than surrounding neighborhoods with a density of up to twenty (20) dwelling units per acre.

**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).

**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.

**FLU8.3.5** states the County supports infill development within the Holden Heights community.

**OBJ UD3.1** states that infill and redevelopment project should take into consideration the pre-existing fabric of the immediate and surrounding neighborhoods and ensure such project are compatible with their surrounding uses.

**H1.3.8** states that Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

# SITE DATA

Existing Use	Single Family Dwelling	
Adjacent Zoning	N:	NR (Neighborhood Residential District) (2008)
		R-2 (Residential District) (1957)
	E:	R-1A (Single-Family Dwelling District) (1957)
	W:	R-1A (Single-Family Dwelling District) (1957)
	S:	R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N:	Single-Family Dwelling / Undeveloped Land
	E:	Single-Family Dwelling
	W:	Single-Family Dwelling
	S:	Single-Family Dwelling / Undeveloped Land

\*No zoning restrictions apply to the above.

# Neighborhood Residential District Development Standards

Min. Lot Area:4,500 sq. ft.Min. Lot Width:45 ft.Max. Height:35 ft. / 3-storiesMin. Living Area:1,000 sq. ft.

Building SetbacksFront:20 ft.Rear:20 ft.Side:5 ft.

#### Intent, Purpose, and Uses

The purpose of the NR (Neighborhood Residential District) is to provide a transition from mixed-use areas to lower-density residential areas to promote the redevelopment of urban communities. The NR district will provide a diversity of housing types at densities higher than surrounding neighborhoods, complemented by parks, recreation areas and civic uses essential to community gathering. The district will be pedestrian in nature, with sidewalk-lined, tree-shaded streets naturally clamed by on-street parking and an active environment. Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77.

# SPECIAL INFORMATION

#### Subject Property Analysis

The subject property is located at 1512 20th Street, or generally on the south side of 20th Street, north of W. Kaley Avenue, west of S. Nashville Avenue, and east of S. Rio

Grande Avenue, within the historic Holden Heights community. The Future Land Use Map (FLUM) designates the subject property and surrounding area as Neighborhood Residential (NR), which allows for up to twenty (20) residential dwelling units per acre.

The Neighborhood Residential designation on the subject property and surrounding properties is the result of a result of a 1999 special area study and subsequent Comprehensive Plan amendment, which adopted and assigned new area specific FLUM designations to properties within the Holden Heights community. The Holden Heights zoning overlay ordinance established the Holden Heights Overlay District, created consistent zoning districts, and provided specific zoning standards to implement the three Holden Heights specific FLUM designations. Prior to development, properties with the Neighborhood Center, Neighborhood Activity Corridor, or Neighborhood Residential FLUM designations are required to rezone to the corresponding zoning district, with certain exceptions for properties developed prior to the adoption of the overlay.

The subject property is currently zoned R-1A (Single-Family Residential District), was originally platted in 1924 as four 25' lots (lots 12-15) within the Clear Lake Views subdivision, and is currently developed with one single-family residence. Through this request the applicant is seeking to rezone the subject property to NR (Neighborhood 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.

The area surrounding the subject property is characterized primarily by single-family detached residential units on lots between 25' and 100' in width. The parcel to the north of the subject property was rezoned from R-2 (Residential District) to NR (Neighborhood Residential District) in 2008 (RZ-08-10-069), with no restrictions, to allow for the development of one (1) single-family residence. The parcel east of the subject property at the corner of 20<sup>th</sup> Street and S. Rio Grande Avenue was also rezoned in 2008 from R-1A (Single-Family Residential District) to NR (Neighborhood Residential District) (RZ-08-04-025) with no restrictions, to allow for a residential duplex. However, both properties remain undeveloped today.

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

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Neighborhood Residential (NR) 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 located in the Holden Heights Overlay District.

#### **Airport Noise Zone**

The subject property is located in Airport Noise Zone "E". New 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 Environmental Protection Division (EPD) reviewed this request, but did not provide any objections or comments.

#### **Transportation / Access**

This project is located within the Alternative Mobility Area (AMA) and is exempt from transportation concurrency. The subject parcel is within a quarter mile walk distance to transit service on S. Rio Grande Avenue. There are eight (8) bus stops within the project area, and the sidewalks in the area are complete.

#### **Code Enforcement**

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

#### Utilities

Water:	Orlando Utilities Commission		
Wastewater:	Orange County Utilities	An 8-inch gravity sewer main is located within 20th Street 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 minimus"; 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 – (March 21, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR (Neighborhood Residential 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 NR (Neighborhood Residential District) zoning.

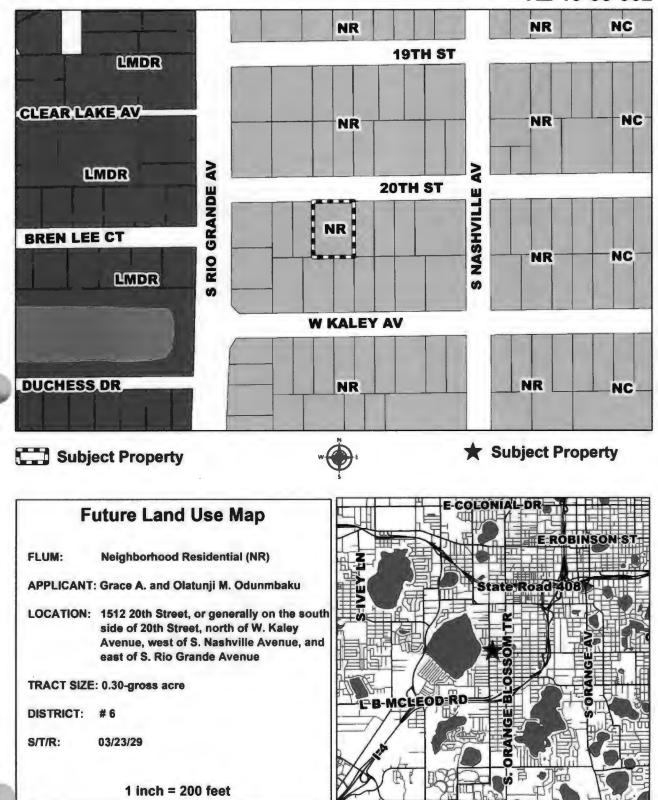
Staff indicated that one hundred seventy-four (174) notices were mailed to to surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) commentaries in favor of the request and zero (0) in opposition. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak about the request.

After a brief discussion regarding regarding the history and purpose of the Holden Heights Overlay District, a motion was made by Commissioner Wade to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the requested NR (Neighborhood Residential District) zoning. Commissioner Spears seconded the motion, which then carried on a 9-0 vote.

Motion / Second	JaJa Wade / Gordon Spears
Voting in Favor	JaJa Wade, Gordon Spears, Yog Melwani, Jose Cantero, Eddie Fernandez, Diane Velazquez, Jimmy Dunn, Carlos Nazario, and Mohammed Abdallah
Voting in Oppostion	None
Absent	None

28

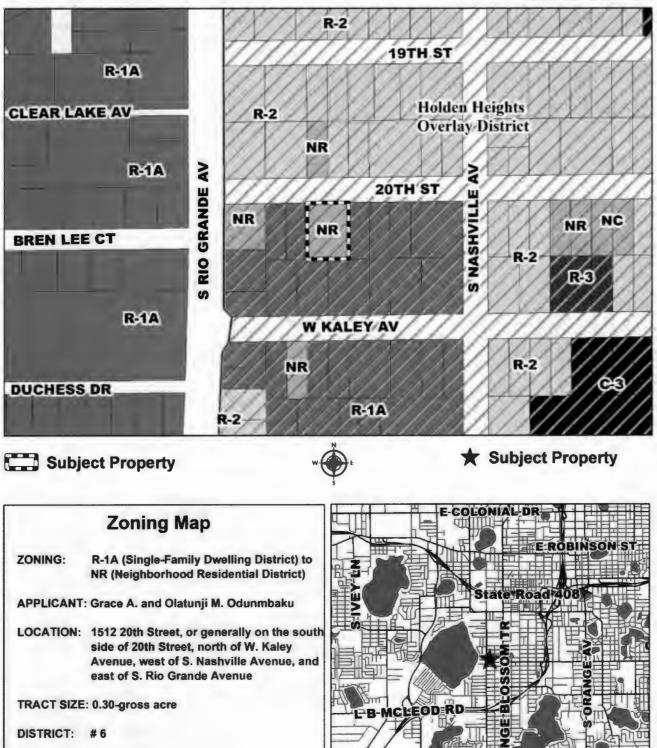
RZ-19-03-002



PZC Recommendation Book

March 21, 2019

# RZ-19-03-002



S/T/R: 03/23/29

1 inch = 200 feet

PZC Recommendation Book

March 21, 2019

RZ-19-03-002 **19TH ST** CLEAR LAKE AV S RIO GRANDE AV L 20TH ST BREN LEE CT S W KALEY AV DUCHESS DR 22ND ST

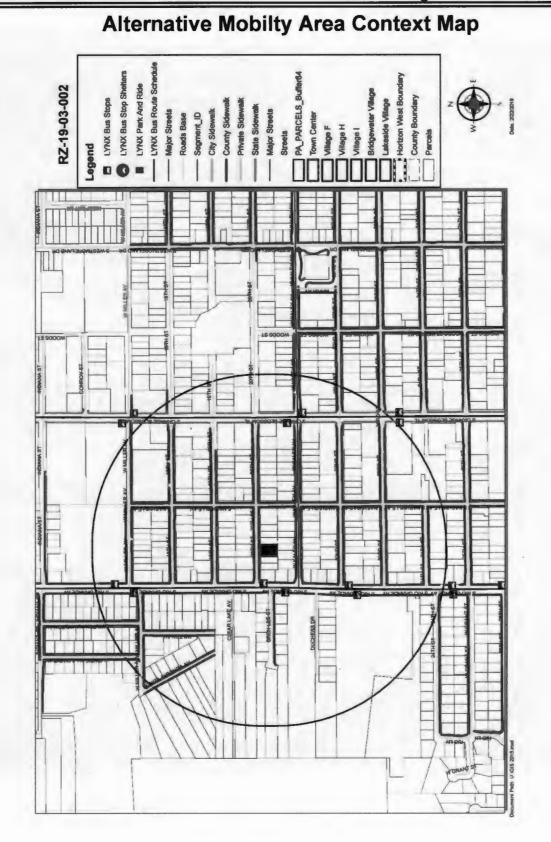


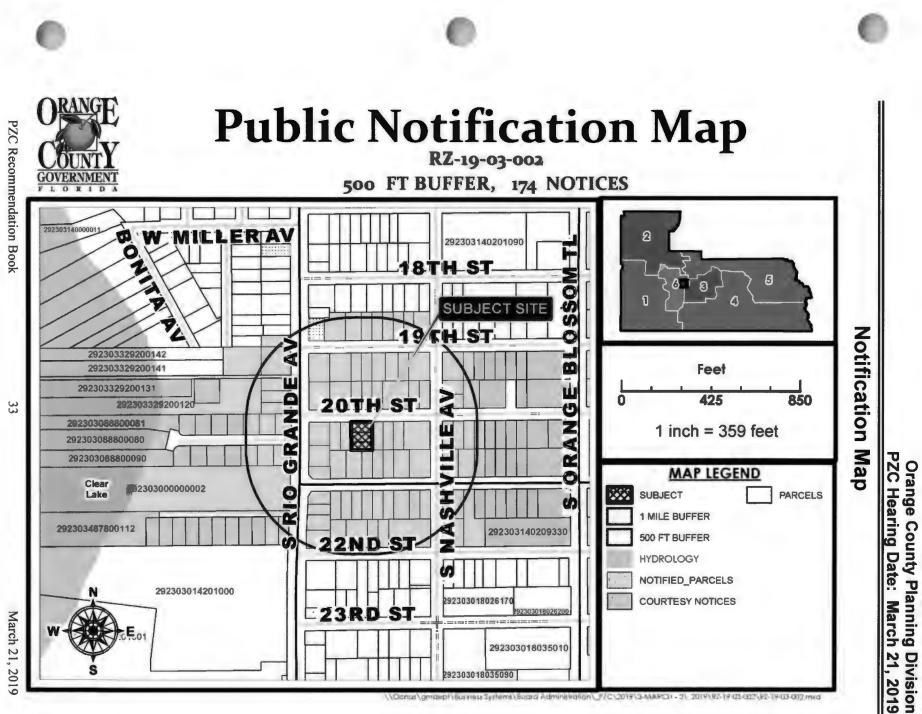


1 inch = 150 feet

PZC Recommendation Book

31





Case # RZ-19-03-002