



Interoffice Memorandum

DATE: August 20, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department *JVW*

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *ERP*
Planning Division
(407) 836-5523

SUBJECT: September 10, 2019 – Public Hearing
Planning and Zoning Commission: Board-Called Rezoning
Applicant: Jeremy Anderson, 2712 Alamo, LLC
Case # RZ-19-05-009 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone a 0.54-gross acre property located at 2712 Alamo Drive, from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to construct two (2) single-family detached dwellings or duplexes, pending an approved lot split. On June 20, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to two restrictions and one variance.

As summarized in the staff report, two community meetings were held for this request, one on May 16, 2019 at Memorial Middle School and one on August 7, 2019 at the Blankner School.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the requested R-2 (Residential District) zoning, subject to the two (2) restrictions and one (1) variance listed under the PZC recommendation in the staff report. District 3

Attachment
JVW/EPR/stt

CASE # RZ-19-05-009

Commission District: #3

GENERAL INFORMATION

APPLICANT	Jeremy Anderson, 2712 Alamo, LLC
OWNER	2712 Alamo, LLC
HEARING TYPE	Planning and Zoning Commission Board-Called Hearing
REQUEST	R-1A (Single-Family Dwelling District) to R-2 (Residential District)
LOCATION	2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street.
PARCEL ID NUMBER	03-23-29-0180-57-040
TRACT SIZE	0.54-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 sixty-four (164) notices were mailed to those property owners in the mailing area. Two community meetings were required for this application and are detailed on Page 5.
PROPOSED USE	Two (2) single-family detached dwellings or duplexes (<i>pending approved lot split</i>)

STAFF RECOMMENDATION

PLANNING

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

Restrictions

- 1) The subject property shall be limited to two (2) single-family detached dwellings, duplexes, or a combination thereof, pending an approved lot split; and
- 2) Each lot shall have a minimum lot width of 60 feet.

Variance

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 60 feet, in lieu of the required 80-foot lot width in the R-2 zoning district for attached two-dwelling unit structures (duplexes).

IMPACT ANALYSIS

Land Use Compatibility

The requested R-2 (Residential District) zoning district, subject to the proposed restrictions, 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 proposed R-2 (Residential District) zoning, subject to the proposed restrictions, is consistent with the Low-Medium 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. Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

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 H1.1 states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

SITE DATA

Existing Use	Single-Family Detached Dwelling
Adjacent Zoning	N: C-2 (General Commercial District) (1979) E: R-1A (Single-Family Dwelling District) (1957) W: C-2 (General Commercial District) (1979) R-2 (Residential District) (1983) S: R-1A (Single-Family Dwelling District) (1957) <i>*No restrictions placed on the zoning districts above.</i>

Adjacent Land Uses	N: Hair Salon E: Single-Family Dwelling W: Duplex, Auto Repair S: Single-Family Dwelling
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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.

Rear: 20 ft.
Side: 5 ft.
Side Street: 15 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:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 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.
 Side Street: 15 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. (30 ft. where adjacent to single-family)
 Side Street: 15 ft.

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

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed in 1947.

The subject parcel was originally platted as two 60' x 177' lots and a 20' portion of the vacated Alamo Drive right-of-way within the Angebuilt Addition subdivision. The plat for the Angebuilt Addition Subdivision was recorded on June 15, 1923. Today, the subdivision can be characterized as having a mixture of single-family detached residential dwelling units on 60' wide lots or larger, as well as duplexes, triplexes, and apartments located near W. Michigan Avenue. The portion of the subdivision along W. Michigan Avenue is developed with varying intensities of commercial uses.

Through this request, the applicant is seeking to rezone the subject parcel from R-1A (Single-Family Dwelling District) to R-2 (Residential District), with the intent to develop two (2) single-family dwellings or duplexes, or a combination thereof, subject to the approval of a lot split.

The applicant is also requesting a variance to reduce the required lot width for a duplex to 60 feet, in lieu of the required 80 feet, in order to allow for the construction of a duplex on the originally platted 60' lot(s).

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 held on May 16, 2019 at Memorial Middle School. Excluding the applicant and various Orange County staff, 35 residents were in attendance. Community residents were vocally opposed to the applicant's initial request of the construction of a four (4) unit attached multi-family dwelling building (quadraplex). The community stated concerns with setting the president for additional rezonings in the neighborhood, impacts to Lake Holden and traffic, the scale of development compared to the existing development within the neighborhood, the potential kinds of tenants living within the quadraplex, and impacts on surrounding property values.

After the community meeting, the applicant revised their request to restrict the development of the property to two (2) single-family homes or duplexes, or a combination thereof.

A second community meeting was held on August 7, 2019 at the Blankner School, which was after the Planning and Zoning Commission hearing. Excluding the applicant and various Orange County staff, 17 residents were in attendance. The applicant presented his request with a conceptual rendering of the building. Residents again expressed concerns with regards to the density of units on the property, on-street parking, Lake Holden water quality, additional septic tanks, and the types of tenants that could live on the property.

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

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. The applicant shall 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.

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

This property is located near existing industrial uses including concrete plants and a scrap metal recycling site.

Transportation / Access

This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes of transportation within the project area:

- LYNX bus links:
 - #40 Americana Blvd/Universal Orlando;
 - #300 LYNX 3D Downtown Orlando/Hotel Plaza;
 - #38 Downtown Orlando/International Drive;
 - #441 FastLYNX 441; and
 - #50 Downtown Orlando/Magic Kingdom.

There are two bus stops within the project area.

Code Enforcement

There is one (1) active Code Enforcement case on the subject property. This case is filed under Incident #543297, which relates to the condition of the house, as there is paint chipping, broken windows, and roof despair. As of this staff report, this violation is outstanding. A Code Enforcement Board hearing has been set for February 3, 2020. The rezoning of this property will not have any bearing on the outcome of these violations.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	Not available
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 – (June 20, 2019)

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

Restrictions

- 1) The subject property shall be limited to two (2) single-family detached dwellings, duplexes, or a combination thereof, pending an approved lot split; and
- 2) Each lot shall have a minimum lot width of 60 feet.

Variance

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 60 feet, in lieu of the required 80-foot lot width in the R-2 zoning district for attached two-dwelling unit structures (duplexes).

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 two (2) restrictions and one (1) variance.

Staff indicated that one hundred sixty-four (164) notices were mailed to surrounding property owners within a buffer of 700 feet from the subject property, with zero (0) commentaries received in favor and ten (10) received in opposition of the request. The applicant was present for the hearing and concurred with staff's recommendation. Four (4) members of the public were present and all spoke in opposition to the request.

After a brief discussion regarding hearing notification and compatability with the neighborhood, a motion was made by Commissioner Fernandez to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the R-2 (Residential District) zoning, subject to two (2) restrictions and one (1) variance. Commissioner Spears seconded the motion, which then carried on a 8-0 vote.

Motion / Second

Eddie Fernandez / Gordon Spears

Voting in Favor

*Eddie Fernandez, Gordon Spears, Diane Velazquez,
Jose Cantero, Mohammed Abdallah, Yog Melwani,
Carlos Nazario and Jimmy Dunn*

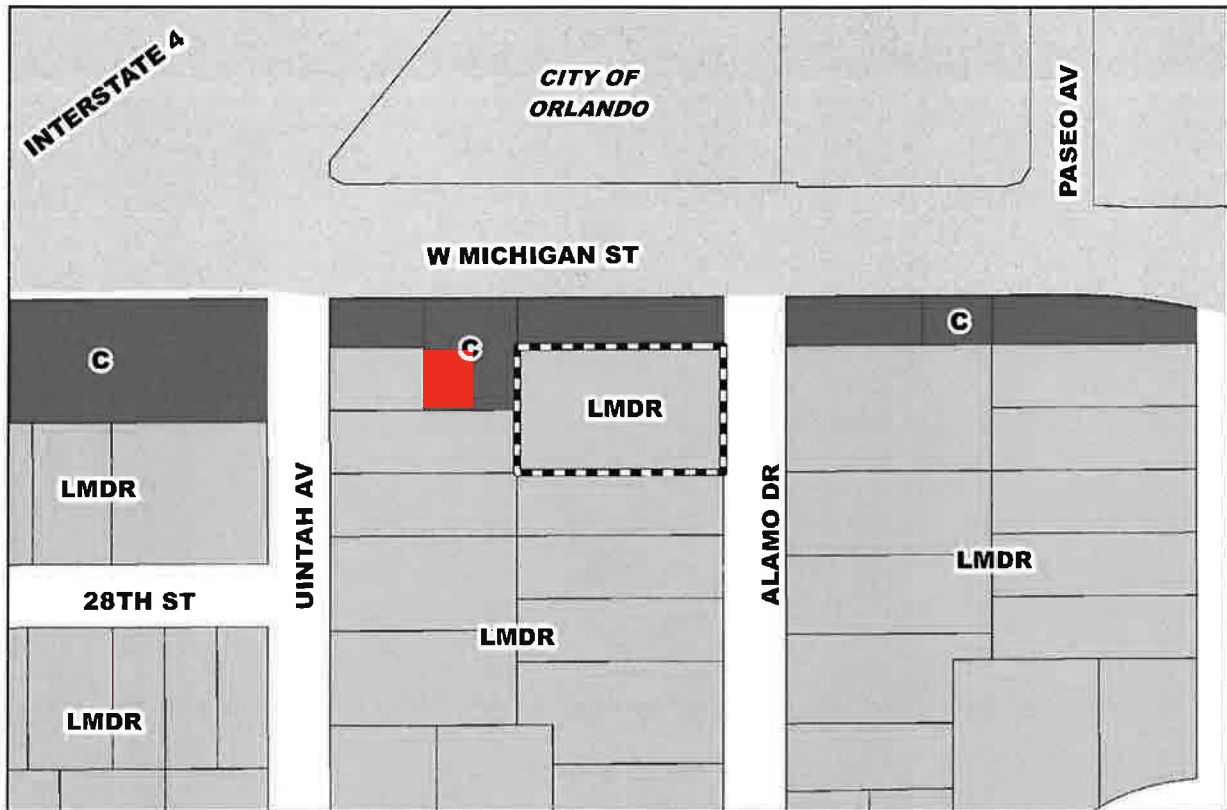
Voting in Opposition

None

Absent

JaJa Wade

RZ-19-05-009



 Subject Property

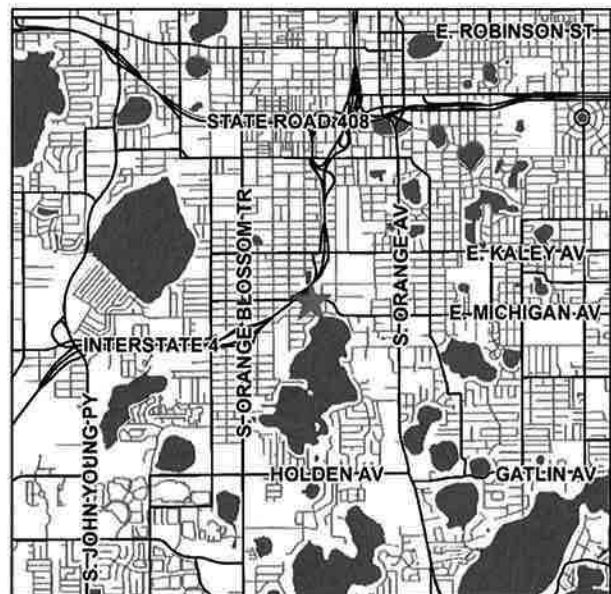


★ Subject Property

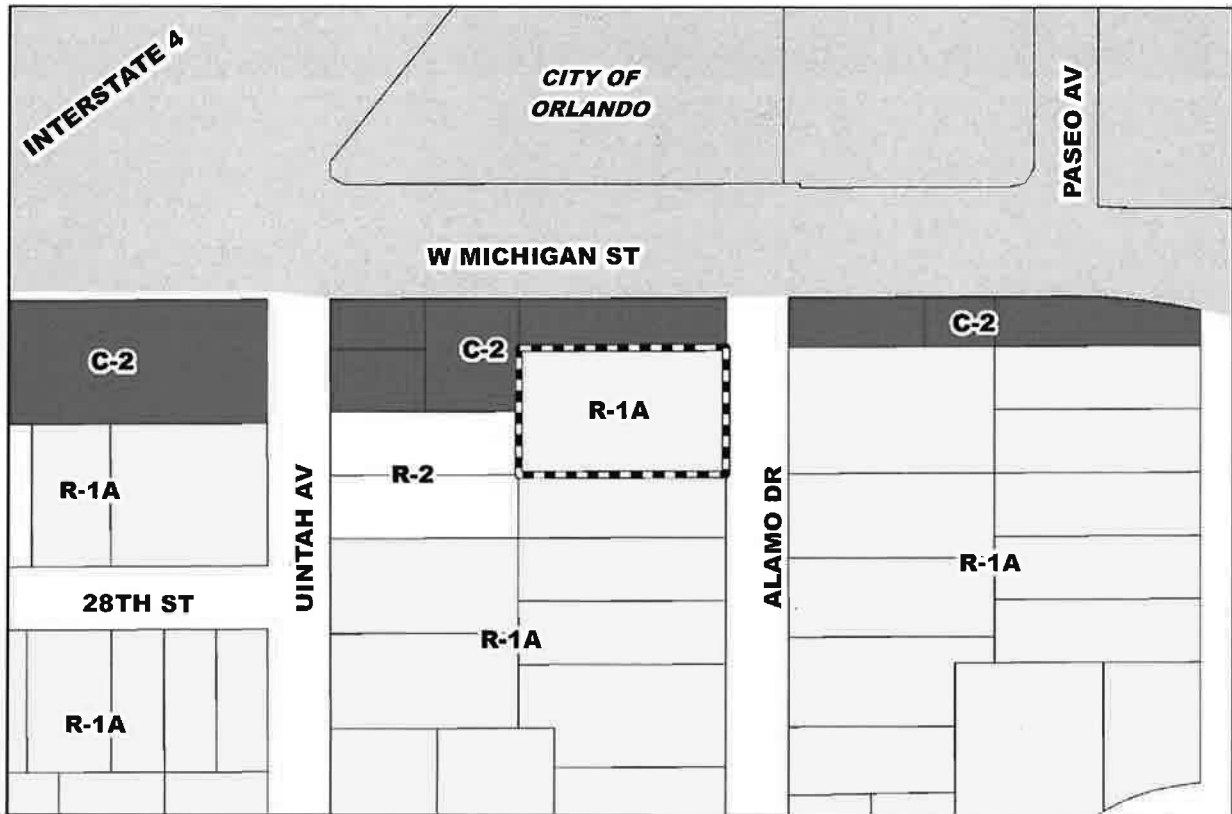
Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)
 APPLICANT: Jeremy Anderson, 2712 Alamo Dr, LLC
 LOCATION: 2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street
 TRACT SIZE: 0.54-gross acre
 DISTRICT: # 3
 S/T/R: 03/23/29

1 inch = 150 feet



RZ-19-05-009



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to
 R-2 (Residential District)

APPLICANT: Jeremy Anderson, 2712 Alamo Dr, LLC

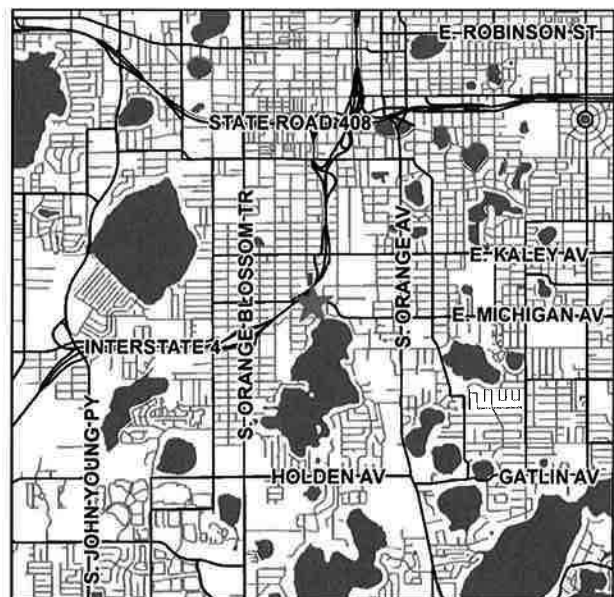
LOCATION: 2712 Alamo Drive; or generally located on
 the west side of Alamo Drive,
 approximately 50 feet south of W. Michigan
 Street

TRACT SIZE: 0.54-gross acre

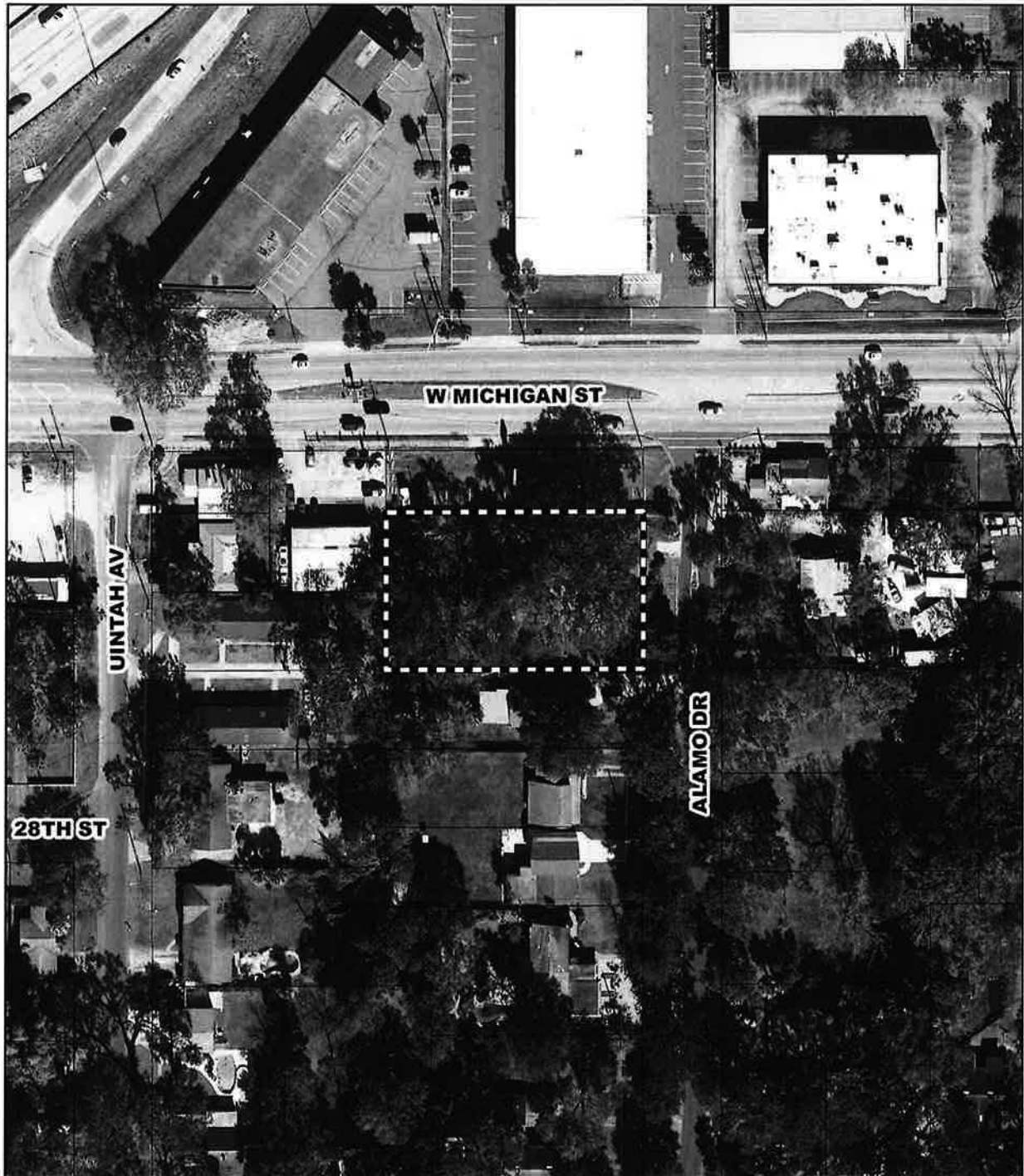
DISTRICT: # 3

S/T/R: 03/23/29

1 inch = 150 feet



RZ-19-05-009



Subject Property



1 inch = 100 feet



Public Notification Map

2712 Alamo Drive_RZ-19-05-009

500 FT BUFFER, 164 NOTICES

Notification Map

