



Interoffice Memorandum

WITHDRAWN

Continue public
hearing to
OCT 22 2019

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DATE: July 30, 2019

TO: Katie A. Smith, Deputy Clerk of the
Board of County Commissioners,
County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor,
Agenda Development Office

FROM: Alberto A. Vargas, MArch., Manager,
Planning Division

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *UPR*
Planning Division
(407) 836-5523 or Eric.RaaschJr@ocfl.net

SUBJECT: Request for Board of County Commissioners (BCC)
Public Hearing

Applicant: Robert Paymayesh, College Park RBP, LLC

Appellants: Rick Pelzer, Rebecca Pelzer, Tami Salter, Colin
Salter, Victoria Villegas, Dilmar Villegas, Cassie
Lynch, and Stephen Toth

Case Information: Conventional Rezoning Case # RZ-19-07-019;
Planning and Zoning Commission (PZC) Meeting
Date: July 18, 2019

Type of Hearing: Planning and Zoning Commission (PZC) Appeal

Commission District: 3

LEGISLATIVE FILE # 19-1250

October 22, 2019
02 PM

General Location: 8901 Curry Ford Road; generally located north of Curry Ford Road, west of S. Econlockhatchee Trail, and east of S. Chickasaw Trail.

BCC Public Hearing
Required by: Orange County Code, Chapter 30

Clerk's Advertising
Requirements: (1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of *The Orlando Sentinel* describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Spanish Contact Person: IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION: Front Desk, 407-836-8181

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-8181

Advertising Language:

This request is to consider the rezoning and appeal of the July 18, 2019 Planning and Zoning Commission (PZC) Recommendation of Approval for Rezoning Case # RZ-19-07-019, in the name of Robert Paymayesh with College Park RBP, LLC, to rezone 4.85 gross acres from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District), in order to allow for the development of thirteen (13) Single-Family Residential Dwelling Units.

Material Provided:

- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*);

- (2) Location map (*to be mailed to property owners*); and
- (3) Copy of appellant's notice of appeal (*to be mailed to property owners*).

Special Instructions to the Clerk:

- (1) The BCC public hearing must be held within 45 days after July 30, 2019, which was the date the notice of appeal was filed, or as soon thereafter as the BCC's calendar reasonably permits. Staff requests that this public hearing be scheduled on the **first available BCC agenda**.
- (2) Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Attachments: (location map, appellant's notice of appeal)

c: Chris R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, Director, Planning Environmental Development Services
Department



PLANNING & ZONING COMMISSION

REZONING APPEAL APPLICATION

Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor,
Post Office Box 1393
Orlando, Florida 32802-1393

Main Line: (407) 836-5600
P&ZC Secretary: (407) 836-5632

RECEIVED

Date: July 30, 2019

Appellant: The Homeowners & Residents of Woodhill Avenue
(Print or type name)

Representing: The Homeowners & Residents of Woodhill Avenue
(Print or type company, group, or organization name)

Address: See Below for all 4

Telephone: See Below Fax: N/A E-mail: See Below

Respectfully request an appeal of the decision regarding rezoning number RZ - 1 9 - 0 7 - 0 1 9

the Applicant being Mr. Robert Paymayesh, rendered by the Orange
(Print or type Applicant name)

County Planning & Zoning Commission on July 18, 2019

Reason for appeal (provide a brief summary or attach additional documentation if necessary):

SEE ATTACHED SUMMARY FOR THE REASON FOR THE APPEAL

1. Rick & Rebecca Pelzer 2312 Woodhill Ave Orlando, FL 32825 (321) 663-5283 pelzerr@bellsouth.net
2. Colin & Tami Salter 2160 Woodhill Ave Orlando, FL 32825 (407) 325-5585 tami.salter@ucf.edu
3. Dilmar & Victoria Villegas 2268 Woodhill Ave Orlando, FL 32825 dilmarvillegas1@yahoo.com
4. Stephen Toth & Cassie Lynch 2324 Woodhill Ave Orlando, FL 32825 toth.stephen@gmail.com

Signature [Signature] Date July 30, 2019
Rick & Rebecca Pelzer/ Colin & Tami Salter/Dilmar & Victoria Villegas/Stephen Toth & Cassie Lynch

FEE: \$483.00 Planning & Zoning Commission appeals. Make check payable to the
Orange County Board of County Commissioners

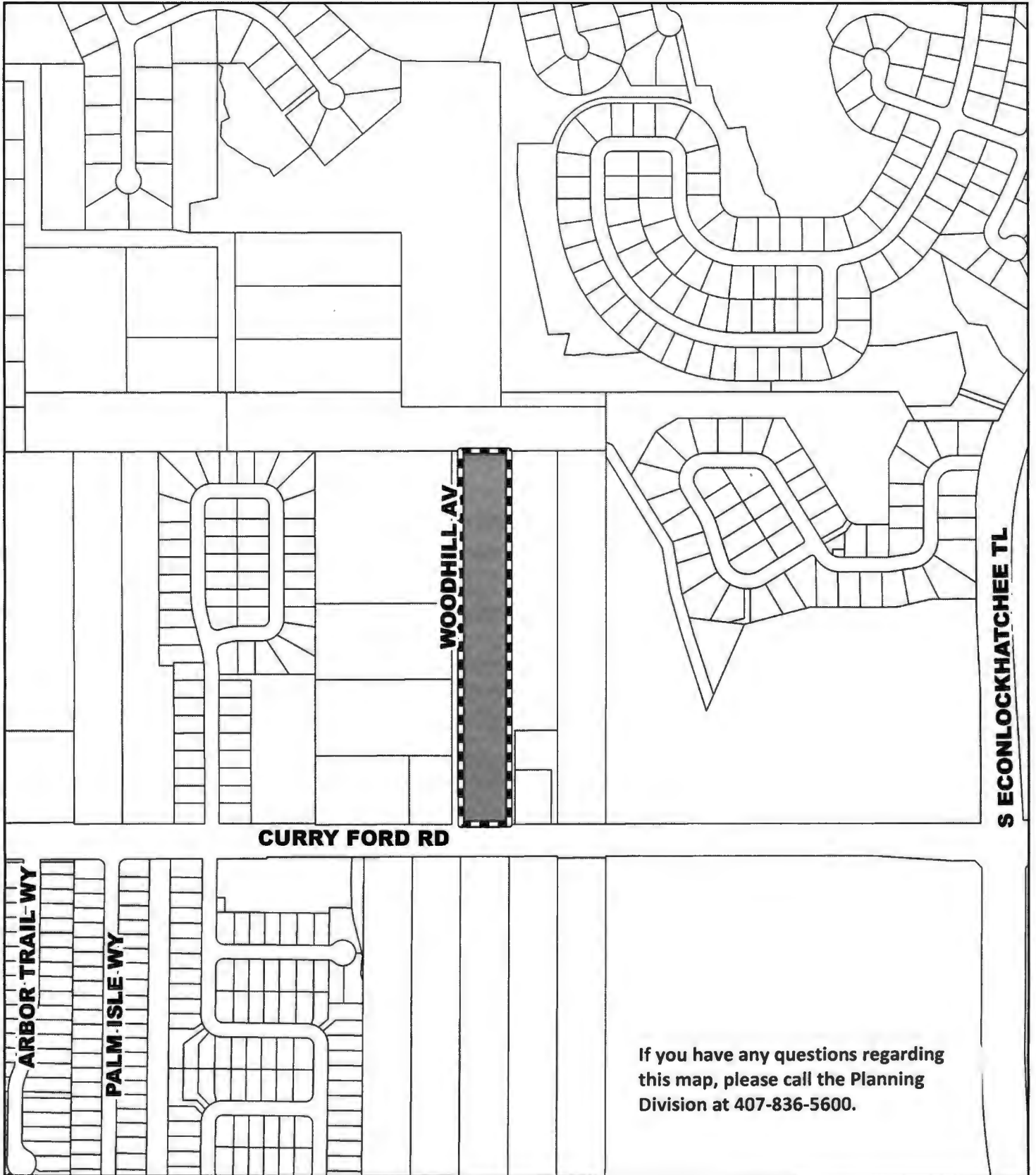
NOTE: The Clerk of the Board will notify you of the date of your appeal.

We, the aggrieved residents and homeowners of Woodhill Avenue, seek to appeal the judgement of the PZC as per the case RZ-19-07-019 that was decided in favor of rezoning 8901 Curry Ford Road from A-2 to R-1, "to construct thirteen (13) single-family residential dwelling units," on 7/18/2019. There are numerous reasons for this appeal, and we list the more pressing of them as follows in no particular order.

1. Woodhill Ave. was deeded over as a right of way to Orange County in September of 1959. We are anecdotally aware that Woodhill was maintained by Orange County for a period after that date. At some point in the late 1970s the county no longer performed those duties, leaving the road unmaintained. We advise that it has not been thus unmaintained for the last 39 years. Rather, the residents of the road have maintained Woodhill Avenue for that time, performing stone and rock dumps, and utilizing personal Bobcats at our own cost. We have never attempted to be compensated by the county for our work. We care for our neighborhood and its access road, Woodhill Avenue. We find it improper to allow the developer to utilize Woodhill Avenue for the project without addressing our concerns firstly and rightly, as we are both the caretakers and primary users of the road, and as such the ones who will be most severely impacted by its redevelopment.
2. On either side of the property of 8901 Curry Ford Road there are much more diffusely built parcels of land. All lots are comprised of 2-3 homes for every 3-7 acres. As Mr. Paymayesh advised, he is not touching the wetlands at the rear of 8901 Curry Ford Road, he is then left with 3~ acres or so to build the petitioned 13 homes on. This development is completely out of character with the rural surrounding properties that comprise our neighborhood. In addition we question the logic of how 13 homes, forced into a small acreage against the character of the surrounding residences, is germane to the topic of an *Affordable* "housing crisis," a point brought up in the hearing in support of the rezoning petition.
3. At least one of the convened members, Mrs. Diane Velazquez, voted against the rezoning request. She questioned the ceding of Woodhill Avenue to the designs of the petitioner. Her actions represent to us a clear apprehension that if reconsidered will yield further disapproval of the rezoning request.
4. Our representative, Mr. Eddie Fernandez, left the meeting and did not return for our hearing. We do not find fault with Mr. Fernandez, rather with his absence during the process, and would presume he should be in attendance to matters that befall the aggrieved, members of his district.
5. Mr. Yogesh Malwani, who convened the hearing, admitted to having received "ex parte" communication from the petitioner, Mr. Robert Paymayesh. We believe this to be a clear conflict of interest with regard to the rezoning petition, as we had no such similar access prior to the hearing date.

We seek a committee to reconvene and consider these points, allowing us to present our claims. To that end we petition for redress of our concerns, and look forward to the committees consideration in this matter.

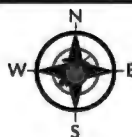
Sincerely, The Aggrieved Residents of Woodhill Avenue.



If you have any questions regarding
this map, please call the Planning
Division at 407-836-5600.



Subject Property



1 inch = 450 feet