

PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS FEBRUARY 18, 2021



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

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

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CONVENTIONAL REZONING PUBLIC HEARINGS

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Ι.

Case # <u>Applicant</u>	<u>Request</u>	Commission <u>District</u>	Recomme <u>Staff</u>	endations <u>PZC</u>	BCC Hearing <u>Required</u>
I. REZONING PUBLIC	HEARINGS				
RZ-21-01-084 Luke Classon	A-2 to R-1 Restricted	4	Approval with four (4) restrictions	Approval with four (4) restrictions	No
RZ-21-02-003 William Connor	R-1A to R-1	5	Approval	Approval	No
LUP-20-05-141 Neel Shivcharran South Goldenrod Townhomes Planned Development	R-1A to PD	3	Approval with twelve (12) conditions	Approval with thirteen (13) conditions	Yes

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) Mobile Home - 2 acres	850	100	35	50	10	35	a
A-2	SFR - 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	a
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 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-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								
SFR	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 (prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	25	6	35	a
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	35	а

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 <i>k</i>	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 k	a
Р-О	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	a
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	a

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot (ft.)	t width	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 <i>f</i>		25, except on major streets as 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	500 125 on major streets (see Art. XV); 100 for all other streets g	125 on major streets (see Art. XV); 100 for all other		25, except on major streets as 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
District	Min. front yard (feet)	Min. rear yard	(feet) Min. side		le yard (feet)	Max. building heig	tht (feet)		
I-1A	35	25		25		50, or 35 within 10	00 ft. of any residenti	al use or district	
1-1/1-5	35	25		25		50, or 35 within 10	0 ft. of any residenti	al 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.

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

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

15

25

FOOTNOTES

I-2 / I-3

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.
- b Side setback is 30 feet where adjacent to single-family district.

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- 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 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.

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:

- 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-21-01-084

Commission District: #4

APPLICANT Luke Classon, Appian Engineering, LLC **OWNERS** Mariella R. Barrington, Richard G. Barrington **HEARING TYPE** Planning and Zoning Commission REQUEST A-2 (Farmland Rural District) to R-1 Restricted (Single-Family Dwelling District -Restricted) LOCATION 1410 Hancock Lone Palm Road; generally west of Hancock Lone Palm Road, and approximately 1,900 feet south of E. Colonial Drive. 23-22-31-0000-00-020. 23-22-31-0000-00-032 PARCEL ID NUMBER **TRACT SIZE** 21.42 gross acres/ 15.92 net 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]. Four hundred ninety-six (496) notices were mailed to those property owners in the surrounding area. A community meeting was required for this request. PROPOSED USE Up to fifty-nine (59) single-family detached residential homes

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District – Restricted) zoning, subject to the following restrictions:

- 1) Vehicular access gates shall be prohibited;
- 2) Development shall be limited to fifty-nine (59) single-family residential units;
- 3) No less than two (2) vehicular access stub outs shall be provided to the adjacent parcel to the north; and
- 4) Lots along the southern property line shall be a minimum of seventy feet (70') wide.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-1 Restricted (Single-Family Dwelling District - Restricted) with the intent to construct a subdivision of fifty-nine (59) residential detached units.

The subject property consists of two (2) parcels with total gross acreage of 21.42 and has not been platted. It is located in the Urban Service Area (USA) and the proposed development is required to connect to Orange County Utilities (OCU) water and wastewater. The Future Land Use Map (FLUM) designates the subject property as Low Medium Density Residential (LMDR) which allows consideration of up to ten (10) units per acre.

With the total acreage of 21.42, the subject property also contains wetlands and surface waters. The official Conservation Area Determination (CAD) is in process to determine the net acreage. According to the survey that was submitted, the net developable acreage is 15.92. At the maximum of ten (10) units per acre, the maximum allowed yield would be 159 units. However, the proposed development is restricted to fifty-nine (59) units, which is consistent with the applicant's request. The Formal School Capacity Determination letter provided by Orange County Public Schools states that school capacity for proposed development is available in all three (3) schools (elementary, middle and high).

Comprehensive Plan Transportation Element Objective T3.2, Policy T3.2.1, Urban Design Element Policy UD1.6.5, and Code Section 34-280(a) promote neighborhood interconnectivity through connected vehicular, pedestrian, and bicycle networks which recluce vehicular overloading on adjacent collector and arterial streets, and provide transportation mode choices. New developments are required to establish multiple points of vehicular access to surrounding neighborhoods through cross-access easements, and provide stub-outs to adjacent parcels. A restriction is proposed to require sufficient cross connectivity.

An additional restriction is proposed to prohibit the subject property to become a gated community and allow for interconnectivity. As per Code Section 34-290, a gated subdivision is defined as a privilege that the Board of County Commissioners may grant. Further, Section 34-280(a) states that gated communities are only appropriate in cases where the development is a phase of a larger subdivision that is already gated, or if there are physical barriers such as wetlands, highways, or existing abutting development that make interconnectivity impossible.

Finally, a restriction regarding compatibility with the existing neighborhood to the south is proposed. Comprehensive Plan Policy 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. In this case, the properties to the south are situated on 70' wide lots. The restriction proposed with this rezoning request would require 70' lot widths along the southern property line.

Land Use Compatibility

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

Site Analysis

The state of the s	Yes	No	Information
Rural Settlement		\boxtimes	
Joint Planning Area (JPA)		\boxtimes	
Overlay District Ordinance		\boxtimes	
Airport Noise Zone		\square	
Code Enforcement		\boxtimes	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Medium Density Residential (LMDR) which allows consideration of up to ten (10) units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Medium Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with 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.

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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

H1.3.8 states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

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, Single-Family Residential				
Adjacent Zoning	N: A-2 (Farmland Rural District) 1957				
	E: A-2 (Farmland Rural District) 1957				
	P-D (Planned Development) 2017				
	W: R-2 (Residential District) 1990				
	S: R-2 (Residential District) 1990				
Adjacent Land Uses	N: Undeveloped Land				
	E: Single-Family Residential				
	W: Wetlands, Single-Family Residential				
	S: Single-Family Residential				
R-1 [Single-Family Dwelling District] Development Standards					
Min. Lot Area:	5,000 sq. ft. 50 ft.				
Min. Lot Width:	50 IL				

ft.

Min. Lot Width:	50 ft. 35 ft.
Max. Height: Min. Living Area:	1,000 sq.
<u>Building Setbacks</u> Front: Rear:	20 ft. 20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	\boxtimes		*See comment below table
Transportation / Access	\boxtimes		There are several failing roadways within the impact area. A traffic study and proportionate share agreement will be required for this development.
Schools	\mathbf{X}		The Formal School Capacity Determination letter provided by Orange County Public Schools states that school capacity is available in all three (3) schools (elementary, middle and high). This determination expires on June 16, 2021.
Parks and Recreation		\boxtimes	

* Wetlands and surface waters are located onsite that extend offsite and are connected to an unnamed tributary of the Big Econlockhatchee River. Conservation Area Determination application CAD-20-11-216 was submitted for this project and it is in progress. The CAD needs to be completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

This project site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply per Orange County Code Chapter 15, Article XI, Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater management, and landscaping with native plant species.

Until wetland permitting is complete, the net developable land area is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved. Note that Class I and II conservation areas located within the Econ River Protection Ordinance area require an average 50-foot upland buffer.

Per Orange County Comprehensive Plan Policy FLU1.1.2 C, Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. In order to include Class I, II and III

conservation areas in the density and FAR calculations, the parcel shall have an approved Conservation Area Impact (CAI) permit from the Orange County EPD, in addition to an approved CAD. Note that direct and secondary impacts to Class I and II conservation areas located within the Econ River Protection Ordinance area require approval from the Orange County Board of County Commissioners (BCC).

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

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to Orange County to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations. If an Environmental Site Assessment (ESA) has been completed, please submit a copy with this application.

Community Meeting Summary

A community meeting will be held on February 15, 2021, after the publication of this staff report. A summary of the community meeting will be provided at the PZC hearing.

Utilities Water:	Orange County Utilities	12-inch watermain within Hancock Lone Palm right-of-way, approximately 1,000 feet to the north of the property.
Wastewater:	Orange County Utilities	4-inch forcemain within Hancock Lone Palm right-of-way, approximately 1,000 feet to the north of the property.
Reclaim Water:	Orange County Utilities	Not currently available

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.

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 – (February 18, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District – Restricted) zoning, subject to the following restrictions:

- 1) Vehicular access gates shall be prohibited;
- 2) Development shall be limited to fifty-nine (59) single-family residential units;
- 3) No less than two (2) vehicular access stub outs shall be provided to the adjacent parcel to the north; and
- 4) Lots along the southern property line shall be a minimum of seventy feet (70') wide.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District - Restricted) zoning. The applicant was present and agreed with the staff recommendation and restrictions.

Staff has provided a summary of a virtual community meeting that was held on Monday, February 15th, 2021 with attendance of 1 resident, who commented in favor of the proposed development.

Staff indicated that four hundred ninety-six (496) notices were sent to property owners within 500-foot area extending the subject property, and that staff had received two (2) responses in opposition and three (3) in support to the request. Those opposed had concerns relating potential traffic increase. No members of public were present to speak on this request. After discussion addressing the proposed development of the property, a motion was made by

Commissioner Nazario and seconded by Commissioner Spears to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District - Restricted) zoning, subject to four (4) restrictions. The motion carried on a 6-0 vote.

Motion / Second	Carlos Nazario / Gordon Spears
Voting in Favor	Carlos Nazario, Gordon Spears, Trevor Sorbo, Sean McQuade, Eddie Fernandez, and Evelyn Cardenas,
Voting in Opposition	None
Absent	JaJa Wade and Nelson Pena
	Mohammed Abdallah voting conflict of interest

RZ-21-01-084







1 inch = 500 feet



ZONING - CURRENT



PZC Recommendation Book



PZC Recommendation Book



Notification Map

CASE # RZ-21-02-003

Commission District: #5

GENERAL INFORMATION

APPLICANT	Mr. William Connor and Ms. Marla Connor
OWNERS	Mr. William Connor and Ms. Marla Connor
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	4344 Roush Avenue; generally south of Roush Avenue, approximately 1,930 feet west of Old Cheney Highway
PARCEL ID NUMBER	21-22-30-3932-13-040
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 four (104) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Construct two (2) single-family homes, pending lot split approval.

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The subject parcel was originally platted as two (2) 50' x 135' lots within the Lake Baldwin 5 Subdivision. The plat for the Subdivision was recorded September, 16 1953. Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to revert back to plat and construct two single-family homes.

The surrounding area is developed with single-family residential dwelling units to the west, south and east. To the north is residential and commercial zoning.

In 2017 and 2020, properties located west of the subject property and some approximately one block to the east and south of the subject property were approved to be rezoned from R-1A to R-1. There are also properties in the area that have 50' lot widths which retain a zoning designation of R-1A (minimum lot width in R-1A is 75').

The subject parcel is reliant on septic. The City of Orlando is the service provider for wastewater. The closest gravity connection is north of Lake Baldwin approximately 100 feet from the subject property. Per the City there is no plan to expand service to this area.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for fifty (50) foot lots that are compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement		\boxtimes	
Joint Planning Area (JPA)		\boxtimes	
Overlay District Ordinance		\boxtimes	
Airport Noise Zone	\boxtimes		This subject property is located within Airport Noise Zone "E". Any required noise mitigation will be required at permitting.
Code Enforcement		\boxtimes	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR) which allows consideration of up to ten (10) units per acre. The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

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

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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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:	C-3 (Wholesale Commercial District) (1982)
		R-1A (Single-Family Dwelling District) (1957)
	E:	R-1A (Single-Family Dwelling District) (1957)
	W:	R-1A (Single-Family Dwelling District) (1957)
	S:	R-1 (Single-Family Dwelling District) (2020)
Adjacent Land Uses	N:	Single-Family Residence
	E:	Single-Family Residence
	W:	Single-Family Residence
	S:	Single-Family Residence

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
Front:	20 ft.

PZC Recommendation Book

Rear:	20 ft.
Side:	5 ft.

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

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

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

SPECIAL INFORMATION

	Yes	No	Information
Environmental			Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. 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. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
Transportation / Access			This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit; provided, however, if the County removes the Alternative Mobility Area from its Code prior to approval of the first building permit, then this project shall comply with the County's then- current transportation concurrency requirements.

Staff Comments

Schools	\boxtimes	
Parks and Recreation	\boxtimes	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orlando Utilities Commission
Wastewater:	City of Orlando
Reclaim Water:	City of Orlando

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.

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 – (February 18, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was not present during the meeting. No members of the public were present to speak during public comment on this request.

Staff indicated that one hundred four (104) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Spears, and seconded by Commissioner McQuade to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried unanimously.

Motion / Second	Gordon Spears / Sean McQuade
Voting in Favor	Gordon Spears, Sean McQuade, Evelyn Cardenas, Mohammed Abdallah, Carlos Nazario, Eddie Fernandez, and Trevor Sorbo
Voting in Opposition	None

JaJa Wade and Nelson Pena

Absent

RZ-21-02-003



Subject Property



1 inch = 125 feet

PZC Recommendation Book

February 18, 2021



ZONING - CURRENT



PZC Recommendation Book



ZONING - PROPOSED

PZC Recommendation Book





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February 18, 2021





Notification Map

February 18, 2021

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