

PLANNING AND ZONING COMMISSION

LOCAL PLANNING AGENCY

# REZONING RECOMMENDATIONS SEPTEMBER 16, 2021



PREPARED BY: O R A N G E C O U N T Y G O V E R N M E N T PLANNING DIVISION | CURRENT PLANNING SECTION

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

10001	
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Sean McQuade	District #2
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Mohammed Abdallah Vice Chairperson	At Large
Evelyn Cardenas	At Large
Nelson Pena	At Large

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# Planning and Zoning Commission September 16, 2021

Case # <u>Applicant</u>	<u>Request</u>	Commission <u>District</u>	Recomme <u>Staff</u>	ndations I <u>PZC</u>	BCC Hearing <u>Required</u>
I. Covential Rezoning	g Hearing				
RZ-21-05-026 Brian Fisher	A-1 <b>to</b> R-1AA	2	Approval	Approval	No
RZ-21-05-027 Jerome Henin	A-1 <b>to</b> R-1 Restricted	2	Approval with eleven (11) restrictions	Approval with eleven (11) restrictions	No
RZ-21-05-030 Lawerance O' Dell	R-1A <b>to C-3</b> Restricted	3	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-21-08-047 Kiat Kwan Tan	R-3 & R-1A <b>To</b> C-1 & C-3	6	Denial	Denial	No
RZ-21-08-049 Shadik Abdool Omar Kayam	R-2 <b>to</b> C-3	2	Denial	Approval of C 1 Restricted w two (2) restrictions	
RZ-21-09-052 Jose F Fernandez	R-3 <b>to</b> R-2	5	Approval	Approval	No
RZ-21-09-054 Mariellie Mundy	R-1A <b>to</b> R-2 Restricted	3	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-21-09-055 Al Tehrani	R-2 to NR Restricted	6	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-21-09-056 James McAuliff	R-1A to R-1	5	Approval	Approval	No

# SITE and BUILDING REQUIREMENTS

### Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) a	Min. rear yard (ft.) a	Min. side yard (ft.)	Max. building height (ft.)	Lake setbaci
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 /	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					19			
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	6,000	SFR 500	60	25	25	6	35	A
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.				·		9
R-T-2 (after	21,780 ½ acre	SFR 600	100	35	50	10	35	A
1/29/73)		Min. mobile home size 8 ft. x 35 ft.						

PZC Staff Report 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 setbac (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 k	A
P-O	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 width (ft.)	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 major streets (see Art. XV); 80 for all other streets f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	A
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	A

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

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

FOOTNOTES

a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.

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

c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:

(i) are either platted or lots of record existing prior to 3/3/97, and

(ii) are 75 feet in width or greater, but are less than 90 feet, and

(iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.

e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.

f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.

h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet, rear, 6 feet side 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-21-05-026

Commission District: #2

# **GENERAL INFORMATION**

APPLICANT	Brian Alan Fisher
OWNERS	Shafeer Ali
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-1AA (Single-Family Dwelling District)
LOCATION	10576 5th Avenue; generally located east of Angola Street, west of Adair Street, south of 5th Avenue.
PARCEL ID NUMBER	05-22-28-6052-09-005
TRACT SIZE	0.30-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]. Ninety (90) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	One (1) Single-Family Home (pending lot split approval)

# STAFF RECOMMENDATION

#### PLANNING

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

#### SUBJECT PROPERTY ANALYSIS

#### Overview

Through this rezoning request the applicant is seeking to rezone the 0.30-gross acre property from A-1 (Citrus Rural District) to R-1AA (Single-Family Dwelling District) with the intent to construct one (1) single-family detached unit. The purpose of the rezoning is to allow for the lot to be legally split (current A-1 zoning requires ½ acre lot size) and to allow for consistency with the Future Land Use of Low Density Residential (LDR). The current lot configuration as shown in the maps in this report are the post-split proposal.

This request was shared with the City of Ocoee as part of the Joint Planning Agreement (JPA) and the City has no comment or concerns regarding the request.

The immediate area consists of the single-family houses with the lot sizes ranging from 55 to 167 feet. The subject property was platted as one lot of 608 feet wide lot within Oak Level Heights Subdivision in 1925, then it was illegally split and resulted in a non-conforming lot. After this rezoning request is approved, the property can proceed through the legal lot split process with the Zoning Division. The lot which this property would be split from (lot to the east) is under different ownership and does not meet density requirements (three units on 0.59 acre); however, based on historical aerial photography, it appears that the lot was nonconforming since prior to 1991.

#### Land Use Compatibility

The R-1AA (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

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)	$\boxtimes$		The City of Ocoee
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone		$\boxtimes$	
Code Enforcement		$\boxtimes$	

#### **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-1AA (Single-Family Dwelling District) zoning is consistent with the Low 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 use 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	Vacant Residential			
Adjacent Zoning	N:	A-1 (Citrus Rural District) (1981)		
	E:	A-1 (Citrus Rural District) (1957)		
	W:	A-1 (Citrus Rural District) (1957)		
	S:	A-1 (Citrus Rural District) (1957)		
	*No	coning restrictions apply to the above.		
Adjacent Land Uses	N:	Single-Family Residential		
	E:	Single-Family Residential		
	W:	Single-Family Residential		
	S:	Single-Family Residential		
R-1AA (Single-Family [	Dwelli	ing District) Development Standards:		
Min. Lot Area:		000 sq. ft.		
Min. Lot Width:	8	35 ft.		
Max Height:	3	35 ft		

Max. Height: 35 ft. Min. Floor Area: 1,200 sq. ft.

Building Setbacks

· _ · _ ·	
Front:	25 ft.
Rear:	30 ft.
Side:	7.5 ft.

#### Intent, Purpose, and Uses

The R-1AA (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

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 below
Transportation / Access	$\boxtimes$		One (1) single-family residence is considered deminimus development.
Schools		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

\*Environmental Comments: This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply.

The Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires treatment of Onsite Sewage Treatment and Disposal System (0STDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP.

If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

#### Community Meeting Summary

A community meeting was not required for this request.

#### Utilities

Water:City of Ocoee\*Wastewater:City of Ocoee\*Reclaim Water:City of Ocoee

\*This property will rely on a well for water and septic tank for wastewater disposal.

#### 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 – (September 16, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1AA (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-1AA (Single-Family Dwelling District) The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment.

Staff indicated that ninety (90) notices were sent to property owners within a 500 foot area surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request with concern of the rear portion of the property being used.

There was no discussion on the proposed single-family residential dwelling unit. A motion was made by Commissioner Sorbo, and seconded by Commissioner Spears to recommend APPROVAL of the requested R-1AA (Single-Family Dwelling District) zoning. The motion carried unanimously.

	T 20 Hearing Date. Deptember 10, 2021
Motion / Second	Trevor Sorbo / Gordon Spears
Voting in Favor	Trevor Sorbo, Gordon Spears, JaJa Wade, Mohammaed Abdallah, Eddie Fernandez, Evelyn Cardenas, Nelson Pena and Walter Pavon
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-05-026





1 inch = 150 feet

PZC Recommendation Book



# **ZONING - CURRENT**





**PZC Recommendation Book** 





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September 16, 2021

# CASE # RZ-21-05-027

Commission District: #2

# GENERAL INFORMATION

APPLICANT	Jerome Henin, Hengreis, LLC
OWNERS	Hengreis, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	<ul> <li>A-1 (Citrus Rural District) to</li> <li>R-1 Restricted (Single-Family Dwelling District)</li> </ul>
LOCATION	1401 Votaw Road and 1433 Votaw Road; generally located north of Votaw Road and 1,500 east of N. Thompson Road.
PARCEL ID NUMBER	02-21-28-0000-00-024, 02-21-28-0000-00-023
TRACT SIZE	28.42 gross acres with upland acreage of 26.43
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]. Nine hundred thirty-nine (939) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Seventy-One (71) Detached Single-Family 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) zoning, subject to the following restrictions:

- 1) Development shall be limited to seventy-one (71) single-family residential units;
- No less than two (2) access points shall be provided (one emergency access and one vehicular access);
- Vehicular access gates shall be prohibited (not including the emergency access gate);

- 4) Lots along the northern periphery of the site shall be a minimum of sixty-five feet (65') wide;
- 5) The required open space shall be oriented to the central, east and southeastern portion of the site in order to preserve the buffer area around the existing wetland and the existing trees, unless the soil analysis required by Comprehensive Plan Policy OS1.3.6 indicates that a different area is a more effective recharge area. In such case, when the soil type best suited for aquifer recharge is situated elsewhere on the site, then the open space should be located there instead;
- 6) A "tot lot" shall be provided;
- 7) In an effort to preserve existing trees and for compatibility purposes, the rear yard setback for homes located along the western and northern property boundary shall be a minimum of twenty-five (25) feet in lieu of twenty (20) feet;
- 8) A six (6) foot in height opaque vinyl fence shall be provided along the western boundary of the property.
- 9) A six (6) foot in height black vinyl chainlink fence shall be provided along the farthest most eastern boundary of the property.
- 10) The minimum living area shall be no less than 1,800 square feet; and
- 11) A masonry wall six (6) feet in height shall be provided along the Votaw Road right-ofway.

# SUBJECT PROPERTY ANALYSIS

#### Overview

The applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-1 Restricted (Single-Family Dwelling District) with the intent to construct a subdivision of seventy-one (71) single-family detached residential units.

The subject property consists of two (2) parcels with total acreage of 28.42, wetland of 1.986 acres and buildable acreage of 26.435. The subject property has not been platted. It is located in the Urban Service Area (USA). The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR) and allows consideration of up to four (4) units per acre. With the upland acreage of 26.435, the maximum yield is 105 units, however the proposed development is restricted to seventy-one (71) 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 the development is available.

A 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.

Additionally, restrictions are proposed regarding fences, walls, lot widths, and rear yard setbacks to address compatibility and comments expressed at the community meetings.

Finally, a restriction regarding the preservation of trees and the area around the wetland is proposed. Comprehensive Plan Policy OS1.3.6 speaks to the preservation of sensitive natural habitats as well as recharge areas, both of which are of importance to the Wekiva Springshed and its natural resources. The requiring for open space for this project which is located within the Urban Service Area (USA) is 35% and must be clustered together instead of spread out in small areas across the site. At the time of Preliminary Subdivision Plan (PSP) submittal, a soil analysis will be required. Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas.

#### Land Use Compatibility

The R-1 Restricted (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

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\square$	
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 Density Residential (LDR) which allows for consideration of up to four (4) dwelling units per acre. The proposed R-1 Restricted (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

**OBJ OS1.3** states that Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

**OS 1.3.2** states that Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement.

**FLU1.4.2** states that Orange County shall ensure that land use 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		
Adjacent Zoning	N: E: W:	R-1AA (Single-Family Dwelling District) <i>(1978)</i> A-1 (Citrus Rural District) <i>(1957)</i> A-1 (Citrus Rural District) <i>(1957)</i> A-1 (Citrus Rural District) <i>(1957)</i>	
	S:	R-1 (Single-Family Dwelling District) (1960)	
Adjacent Land Uses	N: E: W: S:	Single-Family Residential Single-Family Residential Single-Family Residential Single-Family Residential	

#### 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. Living Area:	1,000 sq. ft.
<b>Building Setbacks</b>	
Front:	20 ft.
Rear:	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 below.
Transportation / Access	$\square$		There is one failing roadway segment within the project area. Wekiwa Springs

			Road from Canter Club Trail to Orchard Drive. A traffic study will be required for this project.
Schools	$\boxtimes$		Capacity for the following development is available.
Parks and Recreation		$\boxtimes$	

\* An Orange County Conservation Area Determination CAD-21-05-102 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 7/15/2021.

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.

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply. The applicant is advised to follow related legislation in order to assure compliance with regulations. Changes to regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment and conservation.

The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the Act) requires Onsite Sewage Treatment and Disposal Systems (OSTDS) capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan dated June 2018, as may be amended (BMAP). Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringerit. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health.

#### **Community Meeting Summary**

A community meeting was required for this request. On August 24<sup>th</sup>, a virtual meeting was held at 6:30 pm with attendance of 11 residents and an in-person meeting took place on August 31<sup>st</sup> at Lovell Elementary School at 6:30 pm with attendance of 8 residents. Residents expressed concerns about sink holes, trees, light pollution, traffic, noise, agriculturally zoned properties with animals, trespassing, flooding, wildlife, and finally smaller lot sizes of proposed development compared to surrounding properties.

#### Utilities

Water:

**Orange County Utilities** 

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

#### \*Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

- Water: Development within this property will be required to connect to Orange County Utilities water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.
- Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.
- Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

#### 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 – (September 16, 2021)

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

- 1. Development shall be limited to seventy-one (71) single-family residential units;
- 2. No less than two (2) access points shall be provided (one <u>gated</u> emergency access and one vehicular access);
- 3. Vehicular access gates shall be prohibited (not including any emergency access gate);
- 4. Lots along the northern periphery of the site shall be a minimum of sixty-five feet (65') wide;
- 5. The required open space shall be oriented to the central, east and southeastern portion of the site in order to preserve the buffer area around the existing wetland and the existing trees, unless the soil analysis required by Comprehensive Plan Policy OS1.3.6 indicates that a different area is a more effective recharge area. In such case, when the soil type best suited for aquifer recharge is situated elsewhere on the site, then the open space should be located there instead;
- 6. A "tot lot" shall be provided;
- 7. In an effort to preserve existing trees and for compatibility purposes, the rear yard setback for homes located along the western and northern property boundary shall be a minimum of twenty-five (25) feet in lieu of twenty (20) feet.
- 8. A six (6) foot in height opaque vinyl fence shall be provided along the western boundary of the property;
- 9. A six (6) foot in height black vinyl chainlink fence shall be provided along the farthest most eastern boundary of the property;
- 10. The minimum living area shall be no less than 1,800 square feet; and
- 11. A masonry wall six (6) feet in height shall be provided along adjacent to the Votaw Road right-of-way.

# 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), subject to restrictions as amended in the PowerPoint

for restrictions 2 and 11. The applicant was present and agreed with the staff recommendation and restrictions. Three members of the public appeared in opposition during public comment of the request stating concerns about access, traffic and compatibility of smaller lots.

Staff indicated that nine hundred thirty-nine (939) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and seven (7) responses in opposition of the request with concerns about traffic, sensitive wildlife habitat, flooding, risk of sinkholes, loss of trees, and the proposed lot sizes.

After discussion, a motion was made by Commissioner Pena, and seconded by Commissioner Spears to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning. The motion carried unanimously with Commissioner Abdallah stating a conflict of interest.

Motion / Second	Nelson Pena / Gordon Spears
Voting in Favor	Nelson Pena, Gordon Spears, JaJa Wade, Evelyn Cardenas, Walter Pavon, Trevor Sorbo, and Eddie Fernandez
Voting in Oppostion	None
Absent	Sean McQuade

\*Mohammed Abadallah stating a conflict of interest.

RZ-21-05-027



Subject Property



1 inch = 417 feet



# **ZONING - CURRENT**



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#### **ZONING - PROPOSED** Proposed Zoning LAWA CT R-1AA District: R-1AA R-1A A-1 **R-1** Restricted **BISON CIR** (Single-Family Dwelling District) (Restr.) DR A-1 AURAL R-1A HAYS CT POMON R-1 NOYA LN A-1 E VOTAW RD CHASE 12 C R-1 R-1 R-2 m R OBIGAIL DR Feet Subject Property - 💮 370 740 0





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# CASE # RZ-21-05-030

Commission District: #3

# **GENERAL INFORMATION**

APPLICANT	Mr. Lawrence O'Dell, PSI LLP
OWNERS	PSI, LLP
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-1A</b> (Single-Family Dwelling District) <b>to</b> <b>C-3 Restricted</b> (Wholesale Commercial District)
LOCATION	5705 Lyda Lane, generally located on the east side of Lyda Lane, north of E. Oak Ridge Rd and south of Nanette Drive
PARCEL ID NUMBER	24-23-29-6884-00-440
TRACT SIZE	0.78-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-two (132) notices were mailed to those property owners in the mailing area. A virtual community meeting was held for this application on July 15, 2021. An in-person community meeting was also held on August 12, 2021. A summary of the meetings is provided further in this report.
PROPOSED USE	Parking and Storage

# STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including parking, buffering, and landscaping) prior to the accommodation of any commercial uses.

#### SUBJECT PROPERTY ANALYSIS

#### Overview

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to C-3 Restricted (Wholesale Commercial District), in order to allow wholesale commercial uses. The applicated has stated the site will continue to be used for parking and storage.

The 34,091 square foot subject site is currently developed with an existing landscaping business. The adjacent property to the south (285 E. Oak Ridge Rd.) is zoned C-3 (1995), and is also owned by the applicant. This site is where the majority of operations take place for the business. The existing R-1A zoning on the subject property will not allow for commercial development due to the inconsistency of the zoning district with the Commercial Future Land Use Map (FLUM) designation. Through this rezoning the Future Land Use designation and Zoning would become consistent.

The immediate area is heavily developed with a mixture of commercial and industrial uses. To the north of the subject property is R-1A (Single Family Dwelling District); this zoning district was established in 1957.

Site improvements will be required. Section 24-5 of the Orange County Code requires a 'Type B' landscape buffer between the subject site and any residential districts. The site is located in the Alternative Mobility Area (AMA). Also, the Transportation Planning Division is requiring a mobility analysis prior to obtaining any building permit. Through this request Code Enforcement Assigned Incident #: 587909 will be rectified.

#### Land Use Compatibility

The C-3 Restricted (Wholesale Commercial 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

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone		$\square$	
Code Enforcement	$\boxtimes$		Assigned Incident#: 587909 Parcel#: 24-23-29-6884-00-440 Inspector: Jarrell Odom Description: Storage of materials on a vacant lot

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 Restricted (Wholesale Commercial District) zoning is consistent with the Commercial 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.

**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.

**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	Parking and storage		
Adjacent Zoning		R-1A (Single-Family Dwelling District) (1957)	
	E:	IND-1/IND-5 (Industrial District - Light) (1973)	
	W:	C-3 (Wholesale Commercial District) (1986)	
	S:	C-3 (Wholesale Commercial District) (1995)	

(owner's adjacent parcel)

#### Adjacent Land Uses N: Residential

- E: Light Industrial Use
- W: Commercial Use
- S: Commercial Uses (owner's adjacent parcel)

\*No zoning restrictions apply to the above.

#### C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (125 ft. on major streets)
Max. Height:	75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.

Building Setbacks

Front:	25 ft. (except on major streets as provided in Art. XV)
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-3 district is to implement and be consistent with the commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

# SPECIAL INFORMATION

#### Staff Comments

	Yes	No	Information
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. Applicant can call the Orange County Solid Waste Hotline at 407-836-6601 for more information.

ansportation / ccess		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
		then this project shall comply with the County's then current transportation concurrency requirements.

#### Community Meeting Summary

A virtual community meeting was held for this application on July 15, 2021. Zero (0) residents were in attendance for the virtual meeting. An In-person community meeting was also held on August 12, 2021. One (1) resident attended the meeting for informational purpose only and had no opinion on the request.

#### Utilities

Water:	Orlando Utilities Commission
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Waste Water: Orange County Utilities

Reclaim Water: Orange County Utilities

#### \*Detailed Utility Information:

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

#### 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 – (September 16, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including parking, buffering, and landscaping) prior to the accommodation of any commercial uses.

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

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred thirty-two (132) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

Staff answered questions regarding the development intruding into the residential neighborhood to the north. Staff clarified that the applicant has agreed to restrict access of service vehicles off of Lyda Lane. Primary access for the business will be off of Oak Ridge Road.

A motion was made by Commissioner Fernandez, and seconded by Commissioner Spears to recommend APPROVAL of the requested C-3 Restricted (Wholesale Commercial District) zoning subject to two (2) restrictions. The motion carried unanimously.

Motion / Second	Eddie Fernandez / Gordon Spears
Voting in Favor	Eddie Fernandez, Gordon Spears, JaJa Wade, Evelyn Cardenas, Mohammed Abdallah, Nelson Pena, Trevor Sorbo, and Walter Pavon
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-05-030





**ZONING - CURRENT** 



PZC Recommendation Book









PZC Hearing Date: Orange County Planning Division learing Date: September 16, 2021 Case # RZ-21-05-030

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September 16, 2021

## CASE # RZ-21-08-047

Commission District: #6

## GENERAL INFORMATION

- APPLICANTKiat Kwan TanOWNERSKE International Investment, LLCHEARING TYPEPlanning and Zoning Commission
- **REQUESTR-3** (Multiple-Family Dwelling District) and **R-1A** (Single-<br/>Family Dwelling District) to

**C-1** (Retail Commercial District) and **C-3** (Wholesale Commercial District)

- LOCATION 306 Goodland Street; generally north of Robinson St, west of Goodland St, east of Takoma St and south of W Livingston St.
- PARCEL ID NUMBER 30-22-29-2744-02-100
- TRACT SIZE 0.73-gross acre
- **PUBLIC NOTIFICATION** The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifty-nine (159) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
- **PROPOSED USE** Outdoor storage and parking.

## STAFF RECOMMENDATION

## PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning pursuant to policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2, FLU8.2.1.

ALTERNATIVE RECOMMENDATION #1 (Applicant's request with staff restrictions)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 Restricted (Retail Commercial District) and C-3 Restricted (Wholesale Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping, buffering, and paved surfaces) prior to the accommodation of any C-1 and C-3 uses.
- 3) A masonry wall six (6) feet in height shall be constructed along the northern property line (adjacent to the single-family residential property).

#### ALTERNATIVE RECOMMENDATION #2 (Staff preferred alternative)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the P-O Restricted (Professional Office) zoning, subject to the following restrictions:

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

## SUBJECT PROPERTY ANALYSIS

#### Overview

Through this request, the applicant is seeking to rezone the subject parcel from R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District) to C-3 (Wholesale Commercial District) and C-1 (Retail Commercial District) with the intent to allow outdoor storage and parking and provide consistency with the Future Land Use Map designation of Commercial. Currently, the subject property consists of split zoning with C-3 to the east and R-3 (Multiple-Family Dwelling District) and R-1A (Single-Family Dwelling District) to the west.

The area surrounding the subject property is characterized by various commercial and residential uses along W. Robinson Street, transitioning to a single-family residential neighborhood to the north. The current request is inconsistent with FLU1.4.4 which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Therefore, the alternative recommendation #2 of P-O (Professional Office) zoning is proposed by staff in order to allow the transitional use between residential and commercial developments. P-O zoning is consistent with the Commercial Future Land Use Designation.

Alternative recommendation #1 is provided to list staff recommended restrictions to the applicant's request for C-1 and C-3 uses.

#### Land Use Compatibility

The C-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and would adversely impact adjacent properties.

#### Site Analysis

	Yes	No	Information
Rural Settlement		$\square$	
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 Commercial (C). The proposed C-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. However, the proposed request is inconsistent with the following Comprehensive Plan provisions:

**FLU1.4.2** states that Orange County shall ensure 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.

## SITE DATA

Existing Use	War	Warehouse, Vacant lot		
Adjacent Zoning	N:	C-3 (Wholesale Commercial District) (1970)		
		R-1A (Single-Family Dwelling District) (1957)		
	E:	C-3 (Wholesale Commercial District) (1968)		
	W:	R-1A (Single-Family Dwelling District) (1957)		
	S:	C-3 (Wholesale Commercial District) (1999)		
	*No	o zoning restrictions apply to the above.		
Adjacent Land Uses	N:	Single-Family Residence		
	E:	Auto Sales		
	W:	Single-Family Residence		
	S:	Single-Family Residence, Warehouse		
C-1 (RETAIL COMMER	CIAL	DISTRICT) DEVELOPMENT STANDARDS*		
Min. Lot Area:		6,000 sq. ft.		
Min. Lot Width:		80 ft. (on major streets, see Article XV) 60 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:		20 ft.		
Side:		0 ft. (15 ft. when abutting residential districts)		
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.

#### **Permitted Uses**

The intent and purpose of this C-1 Retail Commercial District are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

(1) At intersections of collectors and/or arterials;

- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan. Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

#### C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (125 ft. on major streets)
Max. Height:	75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.

#### Building Setbacks

Front:	25 ft. (except on major streets as provided in Art. XV)
Rear:	15 ft. (20 ft. when abutting residential)
Side:	5 ft. (25 ft. when abutting residential)

#### **Permitted Uses**

The intent and purpose of the C-3 district is to implement and be consistent with the commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

#### P-O (PROFESSIONAL OFFICE DISTRICT) DEVELOPMENT STANDARDS\*

Min. Lot Area:	10,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Floor Area:	500 sq. ft.
Building Setbacks:	
Front:	25 ft.
Rear:	30 ft.
Side:	10 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.

The intent and purpose of the P-O (Professional Office District) zoning is to provide for and encourage development of a wide variety of high quality functional and attractive professional office centers in accordance with adopted county development plans and policies as well as establish standards which promote high quality site development of individual office structures and larger office centers, both of which are properly oriented toward arterial roads and compatible with adjoining properties. The P-O district also encourages the provision of professional services at the neighborhood and community levels, and to provide sites large enough to permit landscaped open spaces and off-street parking facilities.

#### **Permitted Uses**

The P-O (Professional Office District) zoning district is composed of lands and structures used primarily for the furnishing of commercial office locations.

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	$\boxtimes$		Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.
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.
Schools		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### Utilities

Water: Orlar	do Utilities	Commission
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Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

#### \*Detailed Utility Information:

This property is within Orlando Utilities Water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37,

Wastewater: For PO: Wastewater is considered not available. Professional office development on this property will be reliant on septic tanks for wastewater disposal.

Wastewater: For C-3: The availability and requirement to connect to the wastewater system will be assessed during Final Engineering/Construction Plan Permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

#### 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 - (September 16, 2021)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning pursuant to policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2, FLU8.2.1.

## 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-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning. Alternativley staff presented two (2) alternative recommendations. The applicant was present and disagreed with the staff recommendation and alternative staff preferred recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred fifty-nine (159) notices were sent to property owners extending beyond 500 feet of the surrounding properties, and that staff had received zero (0) responses in favor, and three (3) responses in opposition of the request.

After a brief discussion on compatability and intrusion of commercial activity into the residental neighborhood, a motion was made by Commissioner Wade, and seconded by Commissioner Pavon to recommend DENIAL of the requested C-1 (Retail Commercial District) and C-3 (Wholesale Commercial District) zoning pursuant to policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2, FLU8.2.1.

Motion / Second	JaJa Wade / Walter Pavon
Voting in Favor	JaJa Wade, Walter Pavon, Mohammed Abdallah, Evelyn Cardenas, Gordon Spears, Trevor Sorbo, Eddie Fernandez, and Nelson Pena
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-08-047





47

1 inch = 104 feet

PZC Recommendation Book

Subject Property



## **ZONING - CURRENT**





## **ZONING – ALTERNATIVE STAFF RECOMMENDATION**



PZC Recommendation Book





September 16, 2021



## CASE # RZ-21-08-049

Commission District: #2

## **GENERAL INFORMATION**

APPLICANT	Shadik Abdool Omar Kayam
OWNERS	Shadik Abdool Omar Kayam
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-2</b> (Residential District) <b>to</b> <b>C-3 Restricted</b> (Wholesale Commercial District)
LOCATION	5601 N. Pine Hills Road; generally located on the east side of N. Pine Hills Road, north of Clarcona Ocoee Road.
PARCEL ID NUMBER	31-21-29-0000-00-063
TRACT SIZE	0.54-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred sixty-seven (267) notices were mailed to those property owners in the mailing area. Per the district office a community meeting was not required for this application.
PROPOSED USE	Auto Repair

## STAFF RECOMMENDATION

#### PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning pursuant to CP policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2 and FLU8.2.1.

#### ALTERNATIVE RECOMMENDATION:

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

1) New billboards and pole signs shall be prohibited; and

2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including parking and landscaping) prior to the accommodation of any commercial uses.

## SUBJECT PROPERTY ANALYSIS

#### Overview

The subject property is located on the east side of Pine Hills Road, north of Clarcona Ocoee Rd. The applicant has applied to rezone the 0.54-gross acre parcels from R-2 (Residential District) to C-3 (Wholesale Commercial District) zoning in order to construct an auto repair shop.

The land directly adjacent to the east and north of the subject property is an Orange County retention pond. The 23,328 square remnant parcel is currently undeveloped. The lot measurement are approximately 55 feet in depth on the north side, 73 feet in depth on the south side by 244 feet wide fronting along N. Pine Hills Road.

A Future Land Use Map Amendment was adopted in 2010, changing the property's designation from Low Medium Density Residential (LMDR) to Commercial. The current R-2 residential zoning district established in 1992, creates an inconsistency with the Commercial FLUM designation that does not allow for the proposed auto repair shop.

During the October 19, 2010, BCC Adoption Hearing (case # 2010-2-S-2-1), the Board of County Commissioners discussed with the applicant a rezoning to fix the inconsistency. The Board recommended C-1 (Retail Commercial District) zoning. The residents from the community meeting had no concerns with the FLUMA, however, the residents requested the Board to only allow commercial or office neighborhood serving uses on the site. The rezoning was never applied for.

The immediate area has no other commercial zoning district adjacent to the subject property. The area can be characterized as developed with single-family to the east, and north and multi-family development to the west.

Staff has concluded the requested C-3 (Wholesale Commercial District) zoning with the proposed auto repair use is not compatible with the surrounding area. Upon completing a full analysis of the request, staff is offering the alternative recommendation of C-1 (Retail Commercial District) zoning. This alternative zoning district will address concerns of the Board from the 2010 land use adoption, and compatibly with the surrounding area. The applicant will need to submit a site plan to demonstrate compliance with all Orange County Code requirements including parking, retention, access and landscaping. The subject property is located within the boundary of Wekiva Study area, and per policy OS1.3.6, 25% of the property is required to be preserved for open space.

The Transportation Planning Division is requiring a capacity encumbrance application prior to building permit. Based on the size of the development a traffic study may also be required. Additionally, Code Enforcement Assigned Incident#: 593522 will need to be resolved prior to the issuance of any building permits.

#### Land Use Compatibility

The C-3 (Wholesale Commercial District), zoning would not allow for development that is compatible with the character of the surrounding area and the proposed use would adversely impact the character of the area.

#### Site Analysis

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone			
Code Enforcement			Parcel #: 31-21-29-0000-00-063 Assigned Incident#: 593522 Inspector: Jose Ortiz Description: Property owner using R-2 zoned vacant property for commercial vehicles and equipment storage.

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation and therefore a CP amendment is not necessary. While the proposed C-3 (Wholesale Commercial District) zoning is consistent with the Commercial FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

**FLU1.4.2** states that Orange County shall ensure 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.

## SITE DATA

Existing	Use	Undeveloped
LAISting	030	ondeveloped

Adjacent Zoning

- N: OC Retention Pond
  - E: OC Retention Pond
  - W: PD (Planned Development District) (1997)
  - S: OC Retention Pond

Adjacent Land Uses N: OC Retention Pond

- E: OC Retention Pond
- W: Multi-Family Apartments
- S: OC Retention Pond

\*No zoning restrictions apply to the above.

## C-3 (Wholesale Commercial District) Development Standards

Min. Lot Area:	12,000 sq. ft.
Min. Lot Width:	100 ft. (125 ft. on major streets)
Max. Height:	75 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area:	500 sq. ft.
<b>Building Setbacks</b>	
Front:	25 ft. (except on major streets as provided in Art. XV)
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-3 district is to implement and be consistent with the commercial land use designation of the Future Land Use Map (FLUM). The C-3 district is composed of land and structures where more intense commercial activity is located. This district must be located away from residential districts because it allows uses that are not compatible with residential districts.

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 storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease, or not), new and used automobile sales, recreational and commercial vehicle sales and storage, auto part and tire dealers, outside storage, lumber and building material yards, and the wholesale distribution of goods including industrial machinery equipment, electronics, farm and garden equipment, and furniture.

## SPECIAL INFORMATION

#### Staff Comments

	Yes	No	Information
Environmental	$\boxtimes$		*See note below
Transportation / Access			Based on the capacity database dated July 7, 2021, there is available capacity for this project. This information is dated and available capacities are subject to change at any time. A capacity encumbrance application will be required prior to building permit. Based on the size of the development a traffic study may also be required.
Neighborhood Services		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

\*This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations may apply. This site is also located within the Priority Focus Area. The Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires treatment of Onsite Sewage Treatment and Disposal System (0STDS) loads in the Wekiwa Spring and Rock Springs Basin Management Plan (BMAP) of June 2018. Per this requirement, lots less than one acre within the Priority Focus Area must comply with the OSTDS Remediation Plan that requires systems with nitrogen reducing enhancements within the BMAP. Residential lots shall be configured to accommodate requirements of Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal and shall meet the more stringent of the local and state regulations. Any person desiring to construct these systems, modify, or repair, existing systems shall apply for a permit to the Florida Department of Health, Environmental Health Division.

This rezoning request is located Southeast of the formally known as Old Bray Dump/Landfill. This is designated as the Orlando Commerce Park ROCC brownfield site.

No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and

such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

The on-site soil types and soil based upon the USDA Soil Conservation Service classification system indicate there are hydric soils present. If the applicant feels that this land is exempt from the conservation area determination then the steps as outlined in code 15-380 shall be followed and a binding determination of exemption obtained from EPD.

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### Utilities

Water:	Orange County Utilities
Waste Water:	Orange County Utilities

Reclaim Water: Orange County Utilities

#### \*Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37,

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

#### 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 - (September 16, 2021)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning pursuant to CP policies FLU1.4.2, FLU1.4.4, OBJ FLU8.2 and FLU8.2.1.

ALTERNATIVE RECOMMENDATION:

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 Restricted (Retail Commercial District) zoning, subject to the following restrictions:

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

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

The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-3 (Wholesale Commercial District) zoning pursuant to the stated Comprehensive Plan policies. The applicant was present and did not agreed with the staff recommendation. The applicant provided a history of how he aquired the property. No members of the public were present to speak on this request.

Staff indicated that two hundred and sixty-seven (267) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received fifteen (15) responses in opposition, and one (1) response in support of the request. The majority of the concerns stated the use was not compatible with the surrounding area.

Discussion ensued regarding the proposed use and compatibility, and limitations for the proposed development to meet commercial building standards. The Commission paused the case and allowed staff an opportunity to discuss options with the applicant. After discussion, the applicant agreed with the alternative recommendation for C-1 Restricted zoning.

A motion was made by Commissioner Abdallah, and seconded by Commissioner Cadenas to recommend APPROVAL of the Alternative Recommendation of C-1 Restricted (Retail

PZC Recommendation Book

Commercial District) zoning, subject to the staff recommended alternative reommendation restrictions listed in the staff report. The motion carried unanimously.

Motion / Second	Mohammed Abdallah / Evelyn Cardenas
Voting in Favor	Mohammed Abdallah, Evelyn Cardenas, JaJa Wade, Trevor Sorbo, Walter Pavon, Eddie Fernandez, Gordon Spears, and Nelson Pena
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-08-049



PZC Recommendation Book

September 16, 2021









ZONING - ALTERNATIVE STAFF RECOMMENDATION







Case # RZ-21-08-049 Orange County Planning Division PZC Hearing Date: September 16, 2021



# CASE # RZ-21-09-052

Commission District: #5

## **GENERAL INFORMATION**

APPLICANT	Jose F. Fernandez
OWNERS	Ralicon Company
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-3</b> (Multiple-Family Dwelling District) <b>to</b> <b>R-2</b> (Residential District)
LOCATION	Macon Parkway, or generally located northwest of the Albion Avenue and Macon Parkway intersection.
PARCEL ID NUMBER	01-23-32-7597-18-090
TRACT SIZE	0.26-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 six (106) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Attached Single-Family Residential – 2 units (a Duplex)

## STAFF RECOMMENDATION

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.

## SUBJECT PROPERTY ANALYSIS

#### Overview

Through this request, the applicant is seeking to rezone the subject parcel from R-3 (Multiple-Family Dwelling District) to R-2 (Residential District) for consistency with the underlying Future Land Use designation of Low-Medium Density Residential (LMDR) in order to allow for the construction of a duplex.

The subject parcel was originally platted as one 90' x 125' lot within the Rocket City Subdivision. The plat for the Rocket City Subdivision was recorded on March 21,1963. Today, the subdivision can be characterized as having a mixture of attached and detached single-family residential dwelling units on various lot sizes from 32.9 feet wide to 100 feet wide. The requested R-2 District requires a minimum lot size of 8,000 square feet (0.183 acres) for duplexes. The subject property is 11,251 square feet (0.26 acres).

The subject property is located in the Wedgefield Rural Settlement. The applicant is intending to connect to Pluris, a private utility company which provides water to residents in Wedgefield.

#### Land Use Compatibility

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

	Yes	No	Information
Rural Settlement	$\boxtimes$		Wedgefield Rural Settlement
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone		$\boxtimes$	
Code Enforcement		$\boxtimes$	

#### Site Analysis

#### **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 10 units per acre. A duplex would equate to a density of 8 units per acre. The proposed R-2 (Residential District) zoning is consistent with the LMDR 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 use 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.

**FLU6.2.7** states that with the exception of land designated Low Density and Low-Medium Density Residential on the Future Land Use Map with the Rural Settlement at the time of plan adoption, additional land designated Low Density Residential shall not be permitted in Rural Settlements except for County certified affordable housing projects that are rural in character and meet the Small-Scale FLUM criteria and requirements. All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.

## SITE DATA

Existing Use	Undeveloped Property	
Adjacent Zoning	N: E: W:	A-2 (Farmland Rural District) <i>1957</i> R-3 (Multiple-Family Dwelling District) <i>1963</i> R-3 (Multiple-Family Dwelling District) <i>1963</i>
	S:	R-3 (Multiple-Family Dwelling District) 1963
Adjacent Land Uses	N: E: W: S:	The Hal Scott Regional Preserve and Park Single-Family Residential Single-Family Residential Vacant Land

-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:	.,
Front:	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 U	nits
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.

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### Permitted Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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

# SPECIAL INFORMATION

## Staff Comments

	Yes	No	Information
Environmental	$\boxtimes$		*See below.
Transportation / Access			There are no failing roadways within the project area. One duplex is considered deminimus and is not subject to concurrency requirements.
Schools		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

\* This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Chapter 15 Article XI.

This site is adjacent to the Hal Scott Regional Preserve and Park, it is a publicly managed property. The Hal Scott Regional Preserve and Park may require the use of resource management practices that could result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

## **Community Meeting Summary**

A community meeting was not required for this request.

## Utilities

Water:

Wedgefield PFC C.A.

Wastewater: Wedgefield PFC C.A.\*

Reclaim Water: Orange County Utilities Not Available

\* This property is located within the Wedgefield PFC C.A. water and wastewater service area and connection is required.

## 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 – (September 16, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (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 R-2 (Residential District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred six (106) notices were sent to property owners within 500 feet of the surrounding properties, and that staff had received zero (0) responses in favor, and zero (0) response in opposition of the request.

There was no discussion on the proposed request. A motion was made by Commissioner Spears, and seconded by Commissioner Sorbo to recommend APPROVAL of the requested R-2 (Residential District) zoning.

Motion / Second

Gordon Spears / Trevor Sorbo

PZC Recommendation Book

Voting in Favor	Gordon Spears, Trevor Sorbo, JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, Walter Pavon, Eddie Fernandez and Nelson Pena
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-09-052



Subject Property



1 inch = 104 feet

PZC Recommendation Book



**ZONING - CURRENT** 



PZC Recommendation Book

# **ZONING - PROPOSED**





# CASE # RZ-21-09-054

Commission District: #3

# **GENERAL INFORMATION**

APPLICANT	Mariellie Mundy			
OWNERS	Carlos E. Rodriguez and Juana Rosado			
HEARING TYPE	Planning and Zoning Commission			
REQUEST	R-1A (Single-Family Dwelling District) to R-2 Restricted (Residential District)			
LOCATION	825 Locust Avenue; or generally located 250 feet east of S. Orange Avenue, and north of Locust Avenue			
PARCEL ID NUMBER	24-23-29-6928-03-260			
TRACT SIZE	0.39-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]. Ninety-four (94) 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 (pending lot split approval)			

# STAFF RECOMMENDATION

## PLANNING

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

1) Development shall be limited to single-family detached dwelling units.

# SUBJECT PROPERTY ANALYSIS

## Overview

The subject property is generally located on the east side of S. Orange Avenue, and north of Locust Avenue. The property is currently developed with one (1) single-family detached residential dwelling unit that was constructed on Lot 27 in 1953. The additional

single-family dwelling unit will be constructed on platted Lot 26. All structures on Lot 26 have been demolished.

Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to R-2 Restricted (Residential District), in order to construct an additional detached single-family home, pending lot split approval.

The FLUM (LMDR) designation allows for density of up to ten (10) dwelling unit per acre. The subject parcel would be able to accommodate up to 3 units; however, the proposed R-2 Restricted zoning which requires a minimum of 45' lots would only allow for two (2) lots. The future land use designation would also allow for the subject property to accommodate R-1 (Single-Family Dwelling Districts) zoning, however because the lots were platted prior to 1997, per Orange County Code Section 38-1501(h), the required side setback is 6 feet and if each lot is 50 feet wide, the side setback would not be met for the existing structure. The R-2 zoning is proposed to provide flexibility through the lot split process to redraw the lot line between the two lots to allow for the existing single-family home to meet the required 6-foot side setback.

The immediate area is developed with a mixture of single-family detached residential dwelling units on 50' wide lots, as well as duplexes, and commercial uses located along S. Orange Ave.

## Land Use Compatibility

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

## Site Analysis

	Yes	No	Information
Rural Settlement		$\square$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance	$\boxtimes$		This subject property is located within the South Orange Avenue Corridor Overlay District.
Airport Noise Zone		$\boxtimes$	
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-2 Restricted (Residential 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.

**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	Single-Family Detached Dwelling		
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957)		
	E: R-1A (Single-Family Dwelling District) (1957)		
	W: R-2 (Residential District) (1969)		
	S: PD (Planned Development) (1999)		
	R-1A (Single-Family Dwelling District) (1957)		
	*No restrictions placed on the zoning districts above.		

	PZC Hearing Date: September 16,
Adjacent Land Uses N:	Single-Family Dwelling
E:	Single-Family Dwelling
W	Duplex
S:	Undeveloped
R-2 Development Standard	<u>ts</u>
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:	Lots platted prior to 1997
Front:	25 ft.
Rear:	25 ft.
Side:	6 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:	00 f
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 Uni	ts
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:	and of the another and
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.

#### Intent, Purpose, and Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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

## SPECIAL INFORMATION

#### Staff Comments

	Yes	No	Information
Environmental			* See Note Below
Transportation / Access			This project is located within the Orange County Alternative Mobility Area. The proposed development of one (1) single-family units is de-minimus.
Schools		$\boxtimes$	
Parks and Recreation		$\boxtimes$	

\*Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

## **Community Meeting Summary**

A community meeting was not required for this request.

## Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

## \*Detailed Utility Information:

This property is within Orlando Utilities Commission's water Service Area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Wastewater: There are no gravity wastewater mains in the vicinity of this property and wastewater is considered not available. Single-family development on this property will be reliant on septic tanks for wastewater disposal.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

## 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 - (September 16, 2021)

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

1) Development shall be limited to single-family detached dwelling units.

# PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that ninety-four (94) 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.

After brief discussion on the proposed single-family residential dwelling unit. A motion was made by Commissioner Fernandez, and seconded by Commissioner Sorbo to recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning, subject to one (1) restriction. The motion carried on a 7-1 vote with Commissioner Spears voting in opposition.

Motion / Second	Eddie Fernandez / Trevor Sorbo
Voting in Favor	Eddie Fernandez, Trevor Sorbo, Mohammed Abdallah, Evelyn Cardenas, Walter Pavon, Nelson Pena, and JaJa Wade
Voting in Opposition	Gordon Spears
Absent	Sean McQuade

RZ-21-09-054



PZC Recommendation Book



**ZONING - CURRENT** 





#### PZC Recommendation Book





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September 16, 2021





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September 16, 2021

Case Planner: Sapho Vatel

## Rezoning Staff Report Orange County Planning Division PZC Hearing Date: September 16, 2021

# CASE # RZ-21-09-055

Commission District: #6

# **GENERAL INFORMATION**

APPLICANT	Al Tehrani, Tehrani Consulting Engineering
OWNERS	Seghid Habton Tsegai
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to NR Restricted (Neighborhood Residential)
LOCATION	1436 19th Street; or generally located 150 feet east of S. Rio Grande Avenue, south of 19th street.
PARCEL ID NUMBER	03-23-29-1402-06-160
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 forty (140) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	Two (2) attached residential dwelling units (a Duplex)

# STAFF RECOMMENDATION

## PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR Restricted (Neighborhood Residential) zoning district, subject to the following restriction:

1) Development shall be limited to one (1) duplex or two (2) single-family detached dwelling units.

## SUBJECT PROPERTY ANALYSIS

## Overview

The subject property is currently undeveloped and the immediate area is developed primarily with duplexes and some single-family detached dwelling units on varying lot sizes. The 100'X135' wide lot originally platted in 1953, is located in the Holden Heights

Overlay District. The request is consistent with the intent and purpose of the overlay district.

In order for any development to occur, the zoning district and Future Land Use Map (FLUM) designation must be consistent. Through this rezoning, the Zoning District would become consistent with the FLUM designation of Neighborhood Residential.

The FLUM designation on the subject property and surrounding properties is the 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 Overlay District. This District was created to provide the opportunity to increase densities in the area while following specific zoning standards. 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.

## Land Use Compatibility

The NR Restricted (Neighborhood Residential) zoning district would allow for development that is 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	$\boxtimes$		This subject property is located within the Holden Height Overlay District
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 NR (Neighborhood Residential), which allows consideration of up to twenty (20) units per acre. The proposed NR zoning district is consistent with the Neighborhood 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.

**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.

**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 UseUndevelopedAdjacent ZoningN:R-2 (Residential District) (1957)

- E: R-2 (Residential District) (1957)
- W: R-2 (Residential District) (1957)
- S: R-2 (Residential District) (1957)

\*No restrictions placed on the zoning districts above.

Adjacent Land Uses

- N: Undeveloped
- E: Duplex

## W: Undeveloped

S: Undeveloped

## [NR (Neighborhood Residential] Development Standards]

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

20 ft.
20 ft.
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

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.

# **SPECIAL INFORMATION**

## **Staff Comments**

	Yes	No	Information
Environmental	$\boxtimes$		* See Note Below
Transportation / Access			The proposed development of one duplex would be de minimus. This project is located in the Alternative Mobility Area (AMA) and, therefore, may 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.
Schools		$\boxtimes$	
Parks and Recreation		$\square$	

\* Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

#### **Community Meeting Summary**

A community meeting was not required for this request.

#### Utilities

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

#### \*Detailed Utility Information:

Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering / Construction Plan permitting.

#### 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 – (September 16, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR Restricted (Neighborhood Residential) zoning district, subject to the following restriction:

1) Development shall be limited to one (1) duplex or two (2) single-family detached dwelling units.

# PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NR Restricted (Neighborhood Residential). The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that one hundred and forty (140) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request stating a negative impact to the area.

After brief discussion on the request, a motion was made by Commissioner Wade, and seconded by Commissioner Pavon to recommend APPROVAL of the requested NR Restricted (Neighborhood Residential) zoning, subject to one (1) restriction. The motion carried unanimously.

Motion / Second	JaJa Wade / Walter Pavon
Voting in Favor	JaJa Wade, Walter Pavon, Mohammed Abdallah, Evelyn Cardenas, Nelson Pena, Eddie Fernandez, Gordon Spears and Trevor Sorbo
Voting in Opposition	None
Absent	Sean McQuade

RZ-21-09-055





# **ZONING - CURRENT**





# ZONING - PROPOSED











**Orange County Planning Division** 

Case # RZ-21-09-055

Date:

September 16, 2021

PZC Recommendation Book

September 16, 2021

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# CASE # RZ-21-09-056

Commission District: #5

# GENERAL INFORMATION

APPLICANT	James McAuliff
OWNERS	McAuliff James J., Mcauliff Elizabeth A.
HEARING TYPE	Planning and Zoning Commission
REQUEST	<b>R-1A</b> (Single-Family Dwelling District) <b>to</b> <b>R-1</b> (Single-Family Dwelling District)
LOCATION	937 Jamajo Blvd, generally located 275 feet north of Rixey Street on the east side of Jamajo Boulevard.
PARCEL ID NUMBER	21-22-30-3932-19-160
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-five (175) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Two (2) single family dwelling units (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**

Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) zoning to R-1 (Single-Family Dwelling District) zoning in order to split the subject property in two (2) lots for the purpose of constructing one (1) single-family home. The existing home is proposed to remain. Currently, subject property has two (2) underlying platted lots; lot 16 and 17.

According to the property appraiser records the lots were originally platted in 1955, as part of the Jamajo Subdivision. The subject parcel is currently developed with one home on lot 16<sup>th</sup>. The immediate area is developed with single-family residential dwelling units on lots mostly ranging from 50 feet to 75 feet in width. The surrounding area is predominantly zoned R-1A which requires a minimum of 75 feet lot width.

The City of Orlando is the service provider for wastewater; however, there are not sewer lines available to connect into. The proposed development will be reliant on septic tank for wastewater disposal.

#### 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

	Yes	No	Information
Rural Settlement		$\boxtimes$	
Joint Planning Area (JPA)		$\boxtimes$	
Overlay District Ordinance		$\boxtimes$	
Airport Noise Zone			The subject property is located within Airport Noise Zone "D". 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). 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 use 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	Single-Family Residential	
Adjacent Zoning	N:	R-1A (Single-Family Dwelling District)
	E:	R-1A (Single-Family Dwelling District)
	<b>W</b> :	R-1A (Single-Family Dwelling District)
	S:	R-1A (Single-Family Dwelling District)
Adiacont Land Llass	KI.	Cincle Femily Desidential
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	<b>W</b> :	Single-Family Residential
	S:	Single-Family Residential
R-1 [Single-Family Dwe	elling	District] Development Standards
Min. Lot Area:		00 sq. ft.
Min. Lot Width:		50 ft.
Max. Height:	3	35 ft.
Min. Living Area:	1,00	00 sq. ft.

Building Setbacks	
Front:	20 ft.
Rear:	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 below.
Transportation / Access			The proposed development of two (2) single family units is de minimus. This project is located in the Alternative Mobility Area (AMA) and, therefore, may 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.
Schools		$\boxtimes$	
Parks and Recreation			

\* Erosion Control - Use caution to prevent erosion during construction along the boundary of the property and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

Waste Material Disposal - Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

## **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

## \*Detailed Utility Information:

This property is located within Orlando Utilities Commission's water service area. Connection is required.

This property is located within City of Orlando's wastewater service area and connection is not available. This property will be reliant on septic for wastewater disposal.

#### **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 – (September 16, 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 present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred seventy-five (175) notices were sent to property owners within 500 feet of the surrounding properties, and that staff had received two (2) responses in favor, and zero (0) response in opposition of the request.

A motion was made by Commissioner Pena, and seconded by Commissioner Pavon to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The vote carrid on a 7-1 vote with Commitioner Spears voting in opposition.

Motion / Second	Nelson Pena / Walter Pavon
Voting in Favor	Nelson Pena, Walter Pavon, Eddie Fernandez, Mohammed Abdallah, JaJa Wade, Evelyn Cardenas, and Trevor Sorbo
Voting in Oppostion	Gordon Spears
Absent	Sean McQuade

RZ-21-09-056







1 inch = 125 feet

PZC Recommendation Book



# **ZONING - CURRENT**



# **ZONING - PROPOSED**







**Orange County Planning Division** 

Case # RZ-21-09-056

PZC Recommendation Book

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September 16, 2021