





Interoffice Memorandum

DATE: October 14, 2021

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

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

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

SUBJECT: October 26, 2021 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Luis Lopez, Renova Management, LLC
Case # RZ-21-07-044 / District 3

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 0.61-gross acre located at 6954 Redditt Road from A-2 (Farmland Rural District) to R-2 Restricted (Residential District) zoning subject to one restriction. The applicant's intent is to construct two attached residential units (a duplex).

This rezoning hearing was continued from September 28, 2021 to allow for a community meeting.

On July 23, 2021, the Planning and Zoning Commission recommended approval of the R-2 Restricted (Residential District) zoning, subject to one restriction.

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

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve the requested R-2 Restricted (Residential District) zoning, subject to the one restriction listed in the staff report. District 3

JVW/EPR/JHS
Attachment

GENERAL INFORMATION

APPLICANT	Luis Lopez, Renova Management, LLC
OWNERS	Alicea Edgardo, Greshem Alicea, Alicea Adriel Edgardo
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-2 Restricted (Residential District)
LOCATION	6954 Redditt Road; generally south and east of Redditt Road and approximately 1,050 feet north of Nassau Avenue
PARCEL ID NUMBER	15-23-30-0000-00-057
TRACT SIZE	0.61-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 twenty-four (124) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Two attached single-family units (a duplex)

STAFF RECOMMENDATION

PLANNING

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

- 1) No more than two residential units are permitted.

SUBJECT PROPERTY ANALYSIS

Overview

The subject parcel is currently vacant and has not been platted. It was legally split in 1986 with a 20-foot dedicated access from Redditt Road. The lot width of the subject

property is 113 feet and the lot area is 26,495 square feet, which is sufficient to allow two (2) single-family attached units (a duplex). The 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 acreage of the subject property would allow for consideration of up to six (6) units since the property is 0.61-acre, however the lot size would only be able to accommodate a quadraplex. Therefore, a restriction is proposed for this rezoning request to allow a maximum of two units.

The surrounding area can be characterized as having a mixture of single-family detached residential dwelling units on 50-foot wide lots and larger as well as mobile home parks.

Land Use Compatibility

The R-2 Restricted (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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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, 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-2 (Farmland Rural District) (1957) E: A-2 (Farmland Rural District) (1957) W: A-2 (Farmland Rural District) (1957) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-2 (Residential District) Development Standards

One-Family Dwelling

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

Building Setbacks:

<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

Two Dwelling Units 8,000 sq. ft. / 9,000 sq. ft.

Min. Lot Area:	
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	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:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft.
<i>Side Street:</i>	15 ft.

Four or More Dwelling Units

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	30 ft.
<i>Side:</i>	10 ft. (30 ft. where adjacent to single-family)
<i>Side Street:</i>	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 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	*See comments below
Transportation / Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

***Environmental comments:**

General Solid Waste - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris found on site during clearing and grading shall be disposed of off-site according to the solid waste and hazardous waste regulations.

Septic - If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH. Residential lots shall be configured to accommodate requirements of Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal regarding setbacks, lot size, soils, distance to potable water supply wells, elevations and other applicable code requirements.

Dust Control - Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15-89.1 Air Pollution Prohibited, defined in the Florida Department of Environmental Protection 62-296.320(4)(c) adopted by Orange County Code 15-90 adoption of state and federal rules by reference.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

*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: 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 – (July 23, 2021)

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

- 1) No more than two residential units are permitted.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

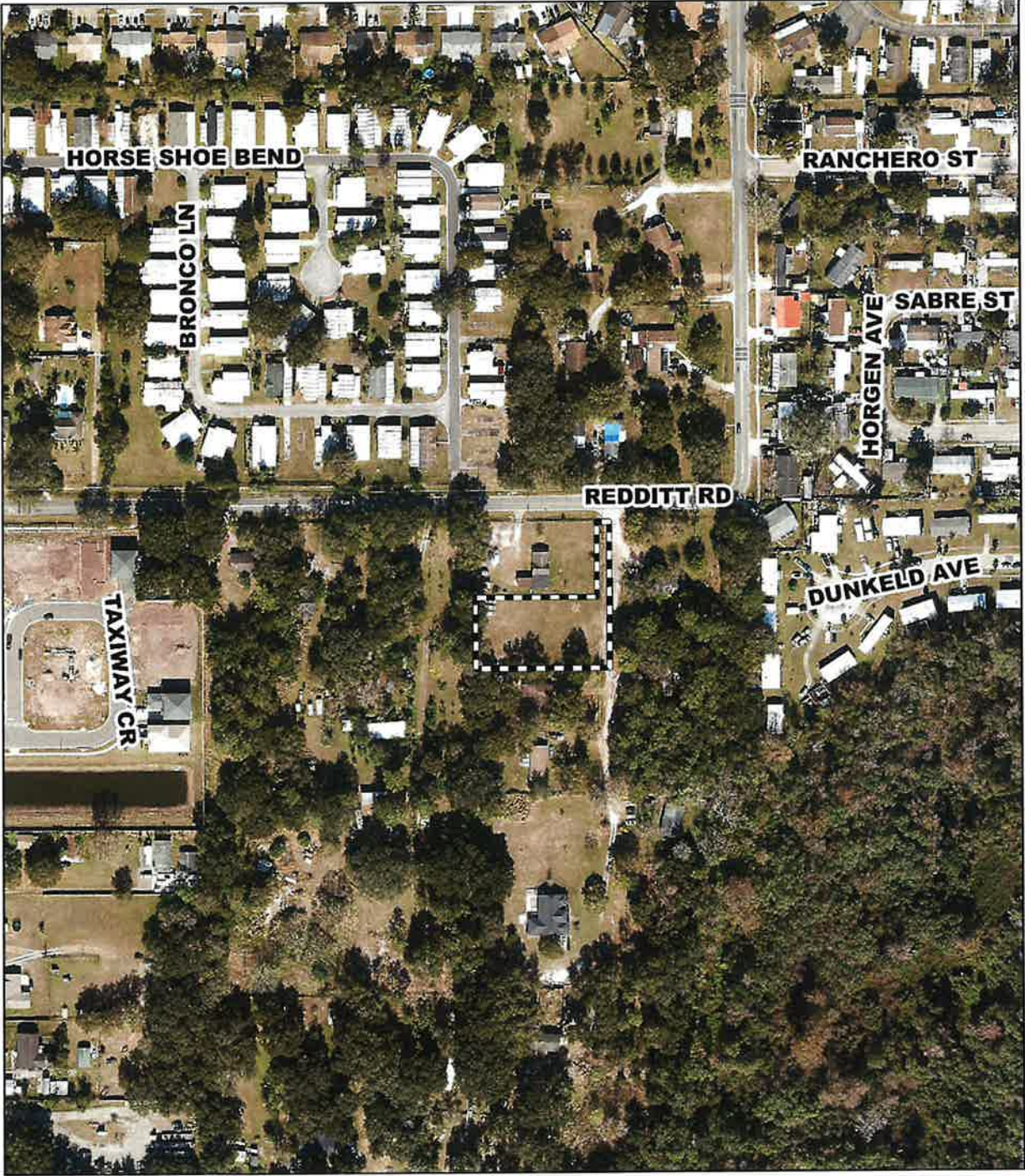
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning. The applicant was present and agreed with the staff recommendation subject to one restriction. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred twenty-four (124) notices were sent to property owners within 500 feet area surrounding the subject property, and that staff had received zero (0) responses in favor or in opposition regarding this request.

After a brief discussion on wastewater availability and compatibility, a motion was made by Commissioner Fernandez and seconded by Commissioner McQuade to recommend APPROVAL of the requested R-2 Restricted (Residential District) zoning. The motion carried on a 6-1 vote.

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

RZ-21-07-044

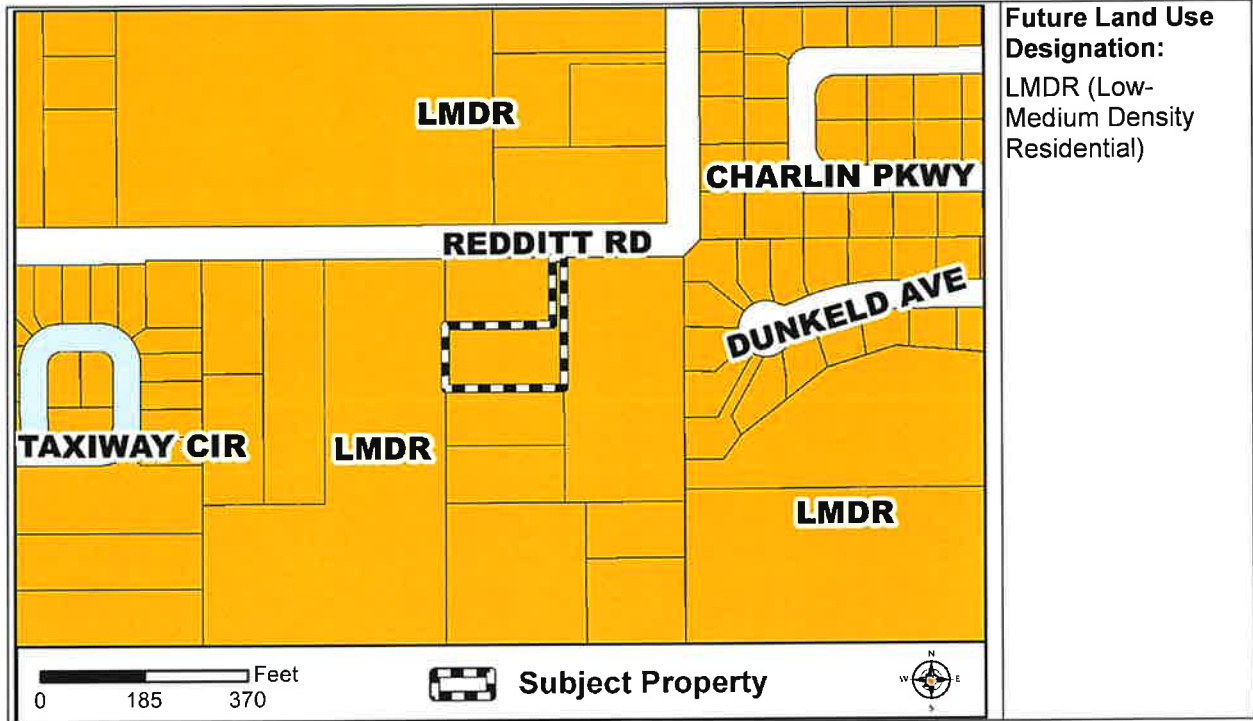


 Subject Property

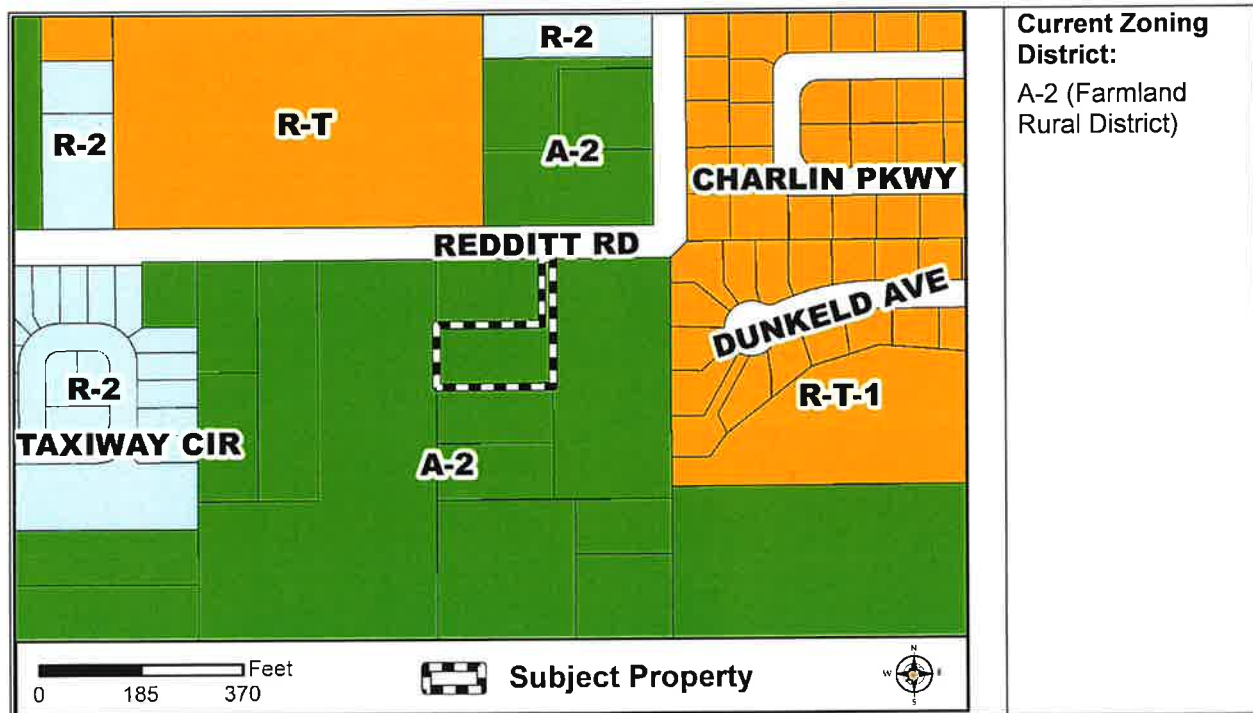


1 inch = 208 feet

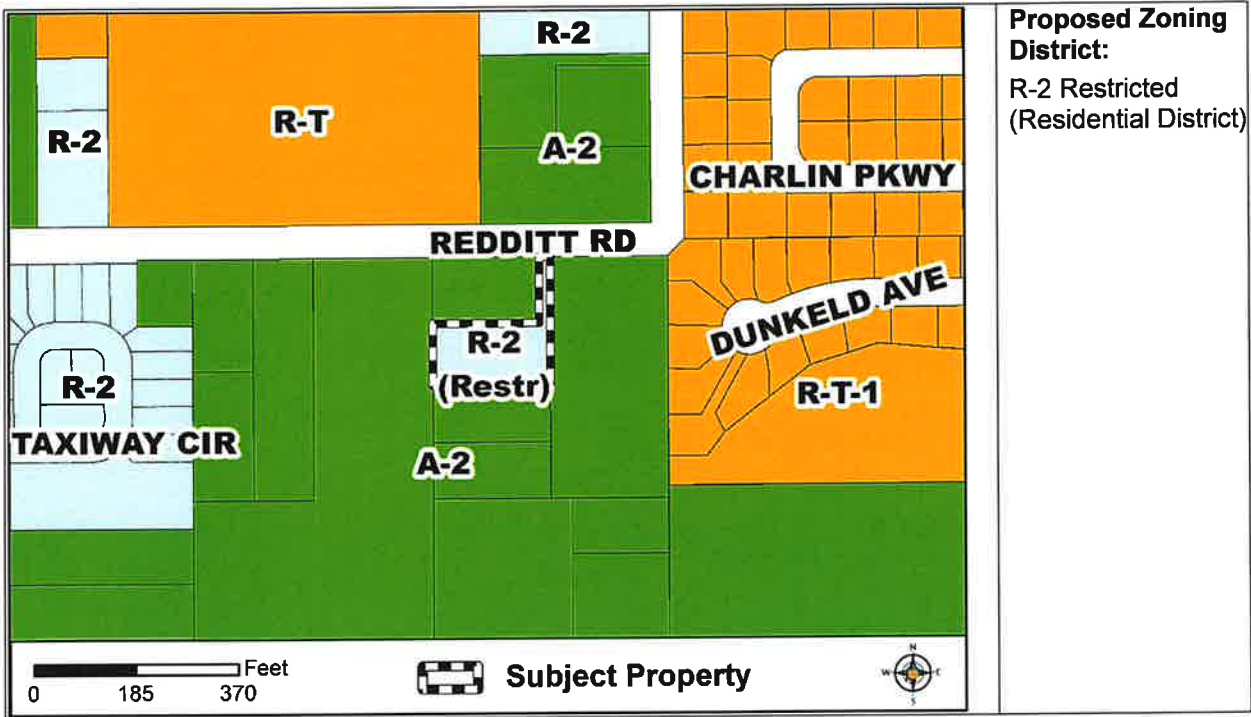
FUTURE LAND USE – CURRENT



ZONING - CURRENT



ZONING - PROPOSED



Notification Map

