



## Interoffice Memorandum

DATE: October 14, 2021

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

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

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

SUBJECT: October 26, 2021 – Public Hearing  
Planning and Zoning Commission: Board-called Rezoning  
Applicant: Jeremy Anderson, Common Oak Engineering  
Case # RZ-21-07-046 / District 3

This is a Board-called rezoning hearing in which the applicant is seeking to rezone a 0.54-gross acre property located at 2712 Alamo Drive from R-1A (Single-Family Dwelling Districts) to R-1 (Single-Family Dwelling District). The applicant's intent is to construct two detached single-family homes pending lot split approval on the subject property. A community meeting was not required for this request.

On July 23, 2021, the Planning and Zoning Commission recommended approval of the R-1 Restricted (Single-Family Dwelling District) zoning, subject to one restriction.

This item was continued from the September 28, 2021 public hearing in order for a community meeting to take place. The community meeting is scheduled for October 20, 2021.

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 R-1 Restricted (Single-Family Dwelling District) zoning, subject to the restriction listed in the staff report.  
District 3**

JVW/EPR/JHS  
Attachment

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jeremy Anderson, Common Oak Engineering
<b>OWNERS</b>	2712 Alamo, LLC
<b>HEARING TYPE</b>	Planning and Zoning Commission
<b>REQUEST</b>	<b>R-1A</b> (Single-Family Dwelling District) to <b>R-1 Restricted</b> (Single-Family Dwelling District)
<b>LOCATION</b>	2712 Alamo Drive; or generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street
<b>PARCEL ID NUMBER</b>	03-23-29-0180-57-040
<b>TRACT SIZE</b>	0.54-gross acre
<b>PUBLIC NOTIFICATION</b>	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 for this application is scheduled for October 20, 2021. The meeting will be summarized during the public hearing.
<b>PROPOSED USE</b>	Two single-family detached dwelling units ( <i>pending lot split approval</i> )

**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 restriction:**

- 1) Each lot shall have a minimum lot width of 60 feet.

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## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to R-1 Restricted (Single-Family Dwelling District), in order to construct two detached single-family homes. If approved, the lots will revert back to two 60' wide lots, as originally platted on June 15, 1923 (pending lot split approval).

The subject property is generally located on the west side of Alamo Drive, approximately 50 feet south of W. Michigan Street. The property is currently developed with one single-family detached residential dwelling unit that was constructed in 1947. The applicant has stated that the structure will be demolished.

The immediate area is developed with a mixture of single-family detached residential dwelling units on 60' wide lots or larger, as well as duplexes, triplexes, and apartments located near W. Michigan Avenue. The properties along W. Michigan Avenue are zoned C-2 (General Commercial District).

The Future Land Use Map designation of Low-Medium Density Residential allows for density of up to ten dwelling units per acre. The density permitted on the site would theoretically be up to five units, however the R-1 zoning would only allow for single-family detached residential homes with a maximum of two homes with a lot split. For consistency with the character of the surrounding area, a restriction is proposed to require 60-foot wide lots.

### **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	<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 units per acre. The proposed R-1 Restricted (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

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

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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

**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**

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

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

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

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

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

**Intent, Purpose, and Uses**

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

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

**SPECIAL INFORMATION**

**Staff Comments**

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	* See Note Below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area. The proposed development of two (2) single-family units is de-minimus.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

\*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.

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.

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.

### **Community Meeting Summary**

This item was continued from the September 28, 2021 BCC public hearing in order for a community meeting to take place. The community meeting is scheduled for October 20 2021. The meeting will be summarized during the public hearing.

### **Utilities**

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

#### **\*Detailed Utility Information:**

This property is within Orange County Utilities Wastewater Service Area. 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.

### **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.

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**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-1 Restricted (Single-Family Dwelling District) zoning, subject to the following restriction:**

- 1) Each lot shall have a minimum lot width of 60 feet.

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

The staff report was presented to the PZC with the recommendation to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. One member of the public appeared and spoke on issues relating to septic tanks during public testimony. No opinion was given on the request.

Staff indicated that one hundred forty (140) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received three (3) responses in favor, and two (2) response in opposition of the request.

Discussion ensued regarding the increase in development on septic tanks within Orange County. A motion was made by Commissioner Fernandez, and seconded by Commissioner Wade to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning. The motion carried on a 6 to 1 vote with Commissioner Spears voting in opposition.

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



RZ-21-07-046

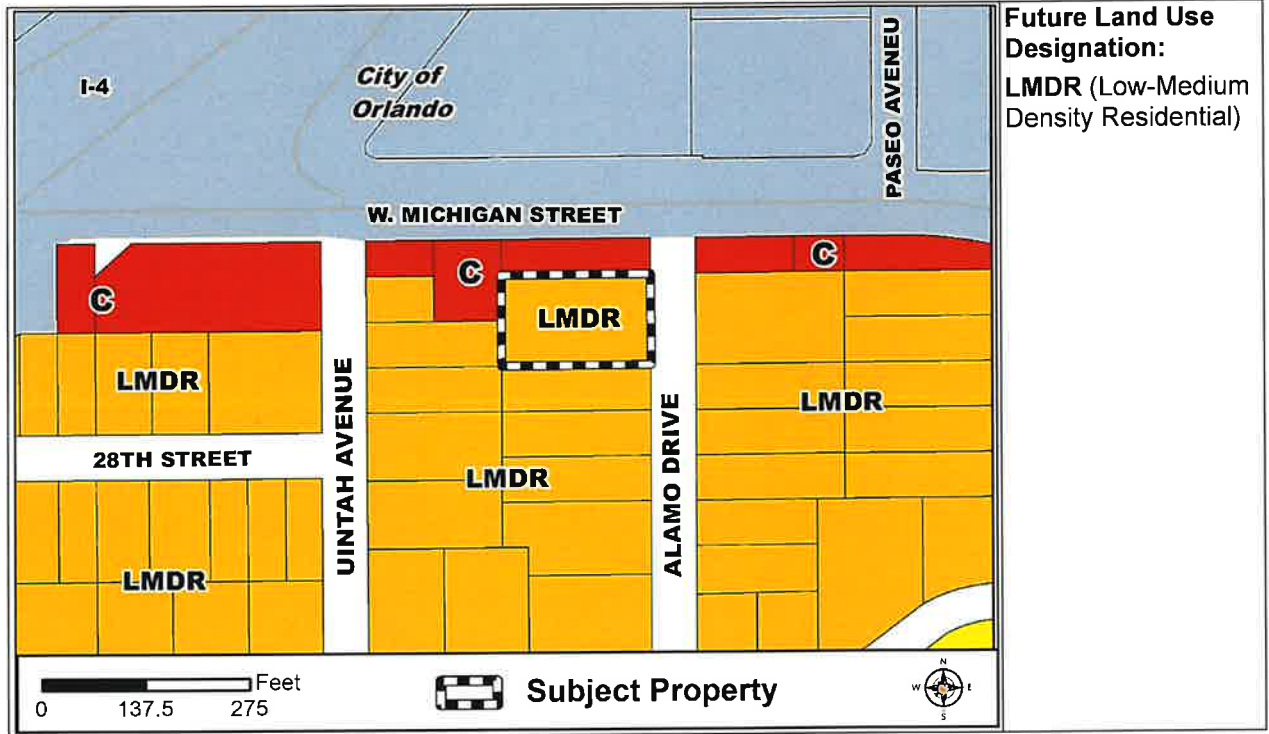


 Subject Property

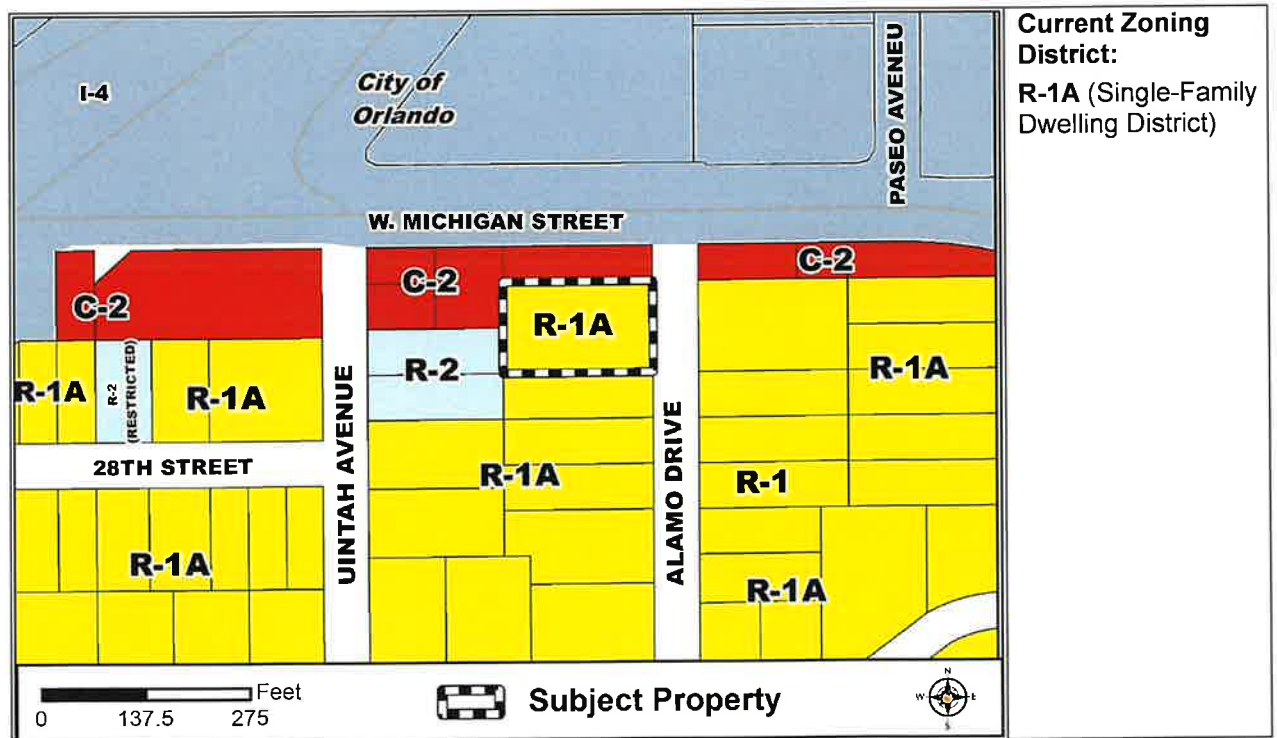


1 inch = 100 feet

**FUTURE LAND USE – CURRENT**

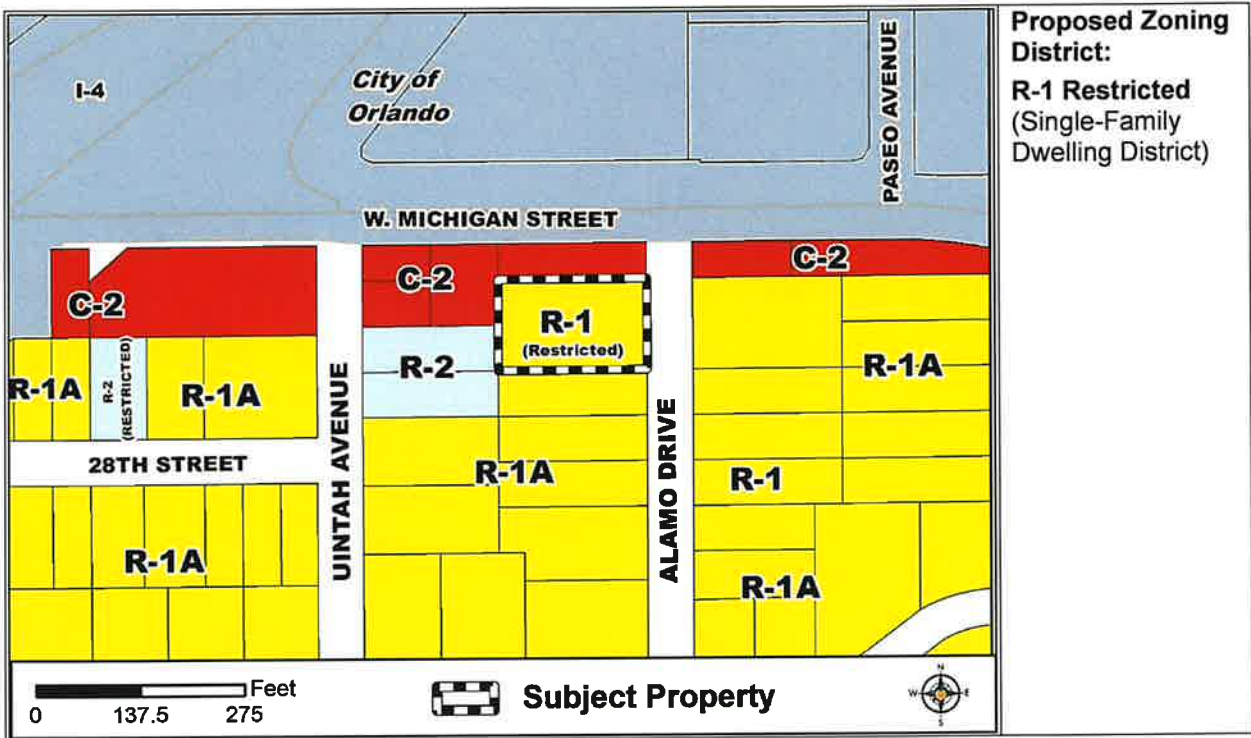


**ZONING - CURRENT**

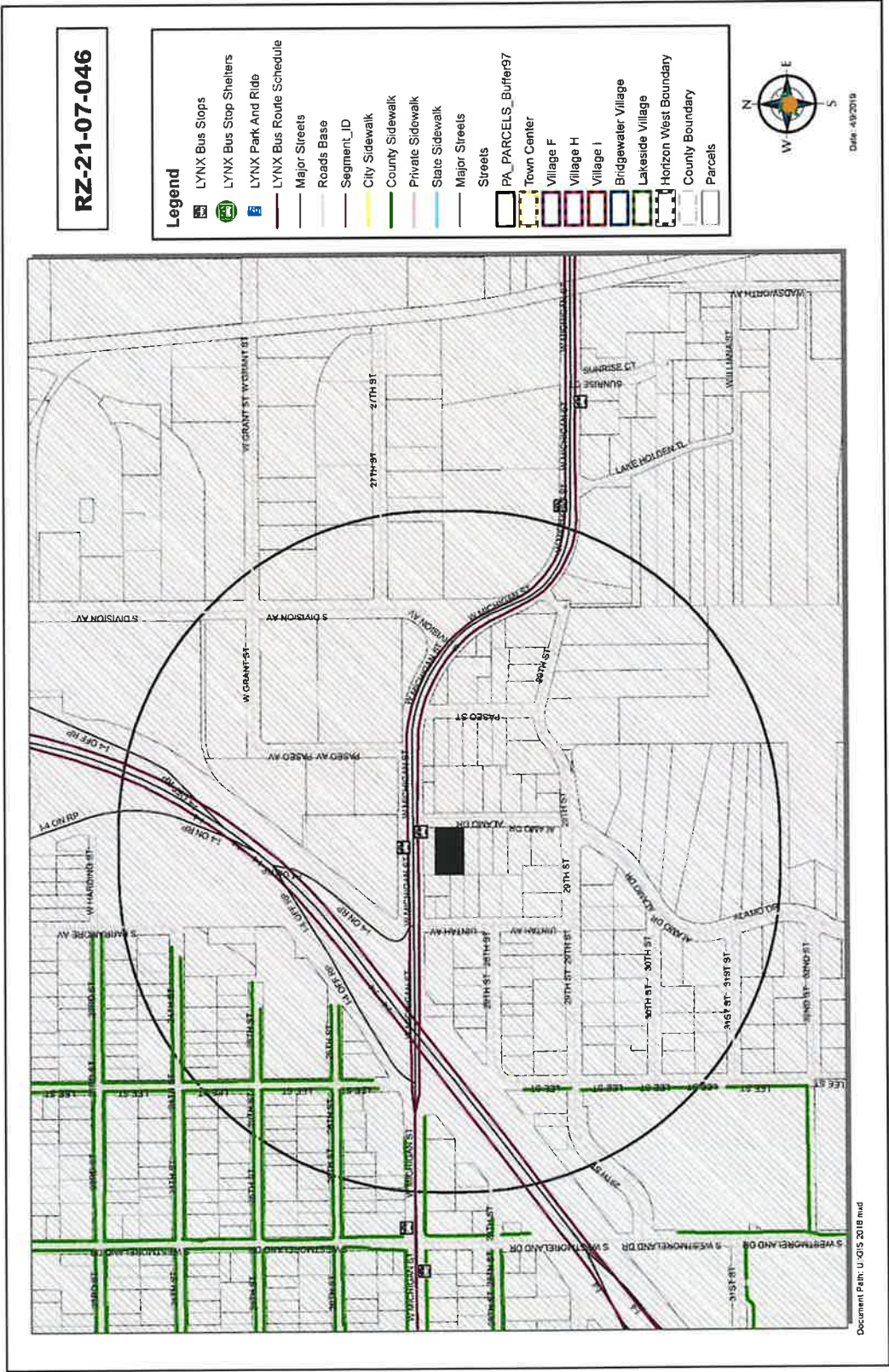




**ZONING - PROPOSED**



Alternative Mobilty Area Context Map



Notification Map

