



Interoffice Memorandum

DATE: September 8, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of 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

Eric P. Raasch,
Jr., AICP

Digitally signed by Eric P. Raasch, Jr., AICP
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SUBJECT: September 22, 2020 – Public Hearing
Planning and Zoning Commission Board-Called Rezoning
Applicant: Jim Hall, Hall Development Services
Case # RZ-20-07-050 / District 2

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 1.44 gross acres located at 561 N. Thompson Road; or generally north of E. Votaw Road and east of N. Thompson Road, from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District). The applicant's intent is to subdivide the subject property to allow for the construction of five detached single-family dwelling units. On July 16, 2020, the Planning and Zoning Commission recommended approval of the request, 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-1 (Single Family Dwelling District) zoning, subject to the restriction listed in the staff report. District 2

JVW/EPR/sfv
Attachment

CASE # RZ-20-07-050

Commission District: #2

GENERAL INFORMATION

APPLICANT	Jim Hall, Hall Development Services
OWNERS	JWV Fine Masonry, Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)
LOCATION	561 N. Thompson Road, or generally located north of E. Votaw Road approximately 580 feet south of Oak Point Circle on the east side of N. Thompson Road.
PARCEL ID NUMBERS	02-21-28-0000-00-037
TRACT SIZE	1.44 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and one (101) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Five (5) single-family detached dwelling units

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 the 1.44 gross acre subject property from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District), in order to construct five (5) single-family homes.

According to the Zoning Division the subject parcel is not a Lot of Record. There were a total of 6 lots combined to make the current large parcel and the abutting parcel to the east. There is an existing house on the subject property. If the house is kept, the applicant would be able to do four new lots for a total of five lots. The proposed R-1 district allows for lot sizes that are a minimum of 50 feet in width and 5,000 square feet in size.

The immediate area can be characterized as developed with a combination of single-family detached residential homes and subdivisions with varying lot sizes. The residential area mostly consists of A-1 (Citrus Rural District) zoning with some R-1A (Single-Family Dwelling District) and R-CE (Country Estate District) zoning, making the proposed zoning compatible with the surrounding area.

The subject property is located within the boundary of the Wekiva Study area, and per policy Comprehensive Plan Open Space Element Policy OS1.3.6, 35% of the overall development will be required to be retained as permanently protected open space. Also, per FLU6.6.10, clustering of lots is supported as well as a reduction in lot sizes.

The subject property is located within the City of Apopka's wastewater and water service areas. Compliance with Orange County Code Chapter 37, Article XVII "Individual On-Site-Sewage Disposal" will also be required at the time of Preliminary Subdivision Plan review.

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within Apopka Joint Planning Area.
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 Density Residential (LDR). The proposed R-1 zoning is consistent with the LDR FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with 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.

FLU6.6.10 states that development and redevelopment within the Wekiva Study Area shall provide as much open space as possible. All new residential subdivisions or developments that may be located entirely or partially within the Wekiva Study Area shall cluster to the maximum extent to preserve open space. Such clustering is density neutral and lot sizes may be reduced to accommodate the preserved open space.

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.

OS1.3.6 states that residential land uses in the Urban Service Area, development with an overall size less than or equal to 100 acres – open space shall be 35% or greater.

SITE DATA

Existing Use	Single-Family Residence
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957)
	E: A-1 (Citrus Rural District) (1957)

W: R-CE (Country Estate District) (1957)

S: A-1 (Citrus Rural District) (1957)

**No restrictions apply to the above zoning districts*

Adjacent Land Uses

N: Single-Family Residence

E: Single-Family Residence

W: Single-Family Residence

S: Single-Family Residence

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area: 5,000 sq. ft.

Min. Lot Width: 50 ft.

Max. Height: 35 ft.

Min. Living Area: 1,000 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 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 table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 6/22/20, there are no failing roadway segments within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OCPS considers this to be De Minimis and a Capacity Determination or Agreement will not be required.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*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 (PFA), 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 stringent. 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.

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.

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.

Community Meeting Summary

A Project Informational Presentation (PIP) was prepared and made available for viewing in lieu of an in-person community meeting. One hundred-one (101) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and staff received seventeen (17) commentaries in opposition and zero (0) in favor of this development.

Utilities

Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

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 16, 2020)

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

- 1) Lot area shall be a minimum 7,500 square feet.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

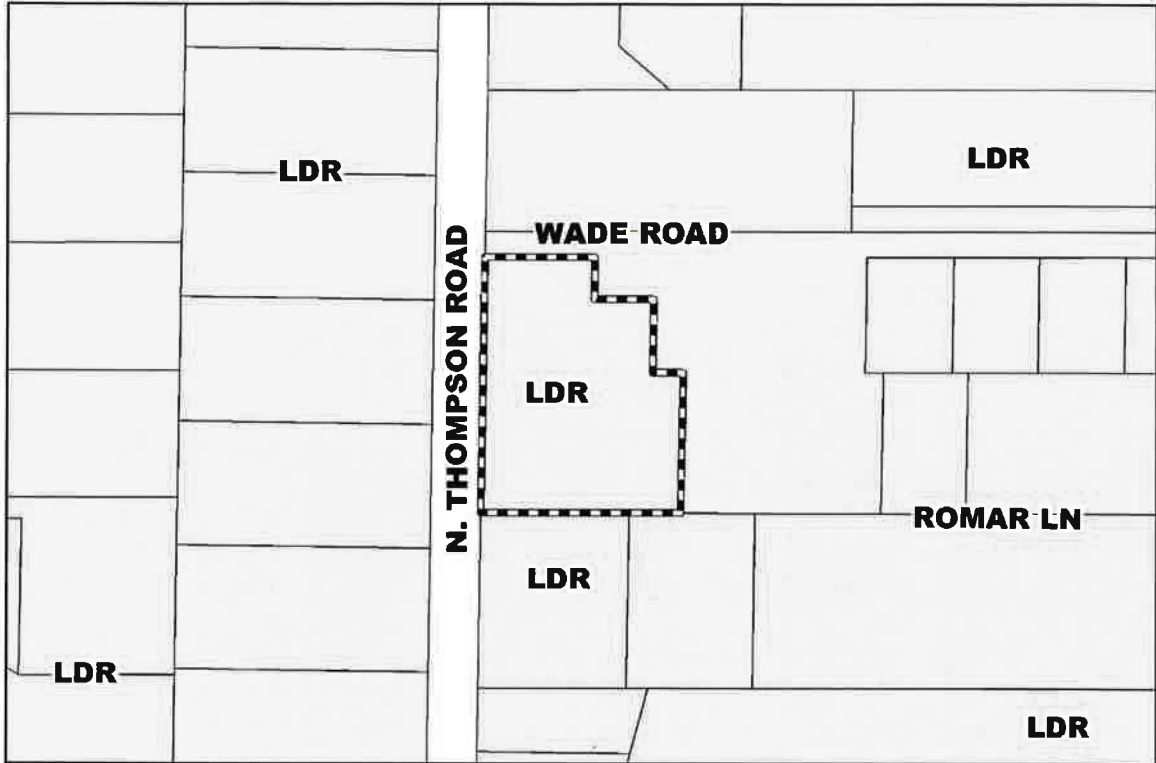
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the recommendation.

Staff indicated that one hundred-one (101) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received seventeen (17) commentaries in opposition and zero (0) in favor of this development. No members of the public were present to speak at the PZC hearing.

After a discussion involving utilities and confirmation from the applicant that the project will connect into wastewater lines provided by the City of Apopka as well as discussion involving lot sizes, a motion was made by Commissioner Velazquez and seconded by Commissioner Pena to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning subject to the restriction that lot area be a minimum 7,500 square feet. The motion carried on a 9-0 vote.

Motion / Second	<i>Diane Velazquez / Nelson Pena</i>
Voting in Favor	<i>Diane Velazquez, Jimmy Dunn, Nelson Pena, JaJa Wade, Gordon Spears, Evelyn Cardenas, Eddie Fernandez, Mohammed Abdallah, and Carlos Nazario</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

RZ-20-07-050



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Jim Hall, Hall Development Services

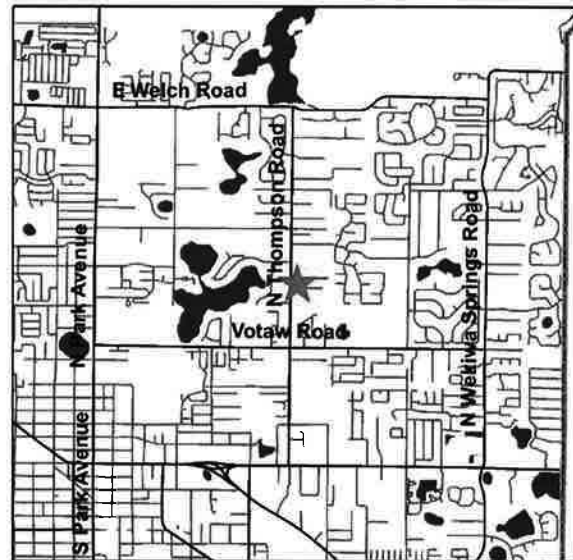
LOCATION: 561 N. Thompson Rd., or generally located north of Votaw Road approximately 30 feet east of N. Thompson Road..

TRACT SIZE: 1.44 gross acres

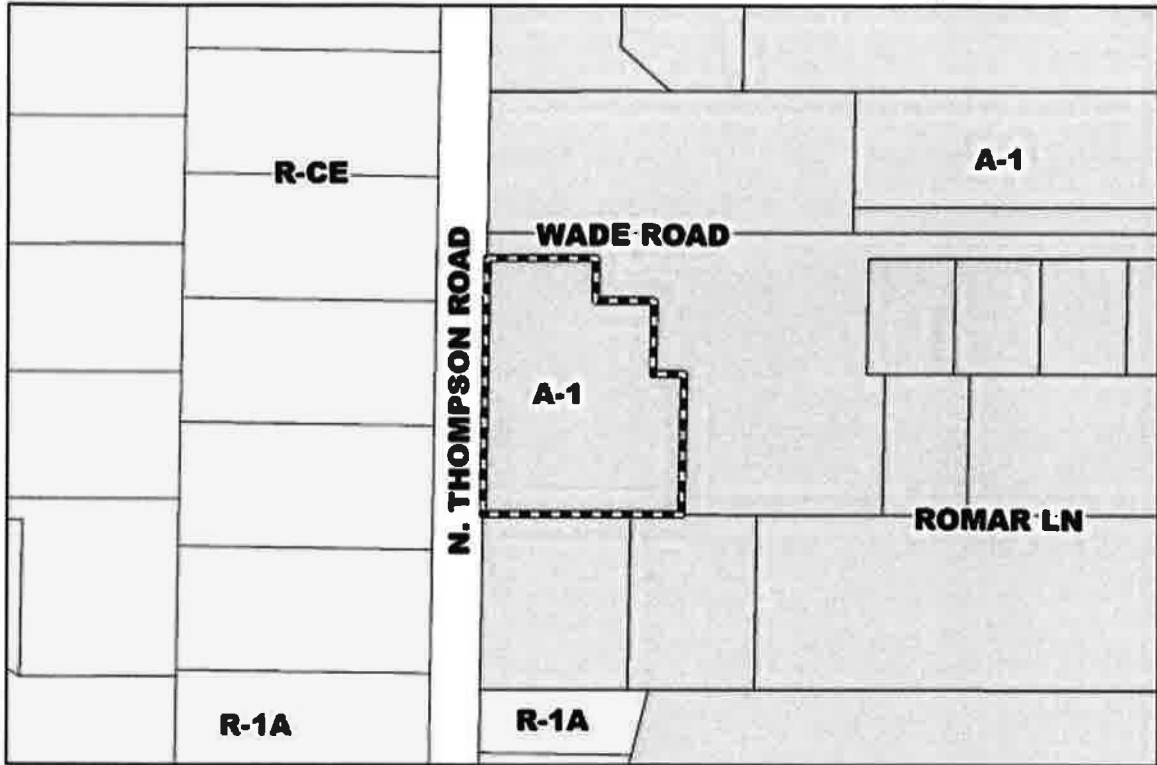
DISTRICT: # 2

S/T/R: 02/21/28

1 inch = 175 feet



RZ-20-07-050



 Subject Property



 Subject Property

Zoning Map

ZONING: A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District)

APPLICANT: Jim Hall, Hall Development Services

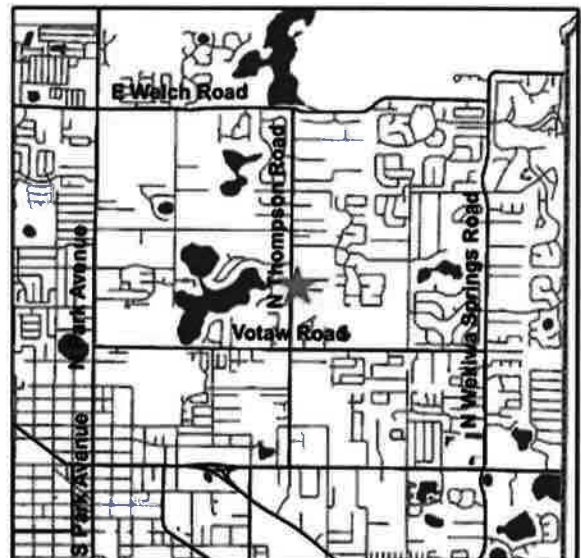
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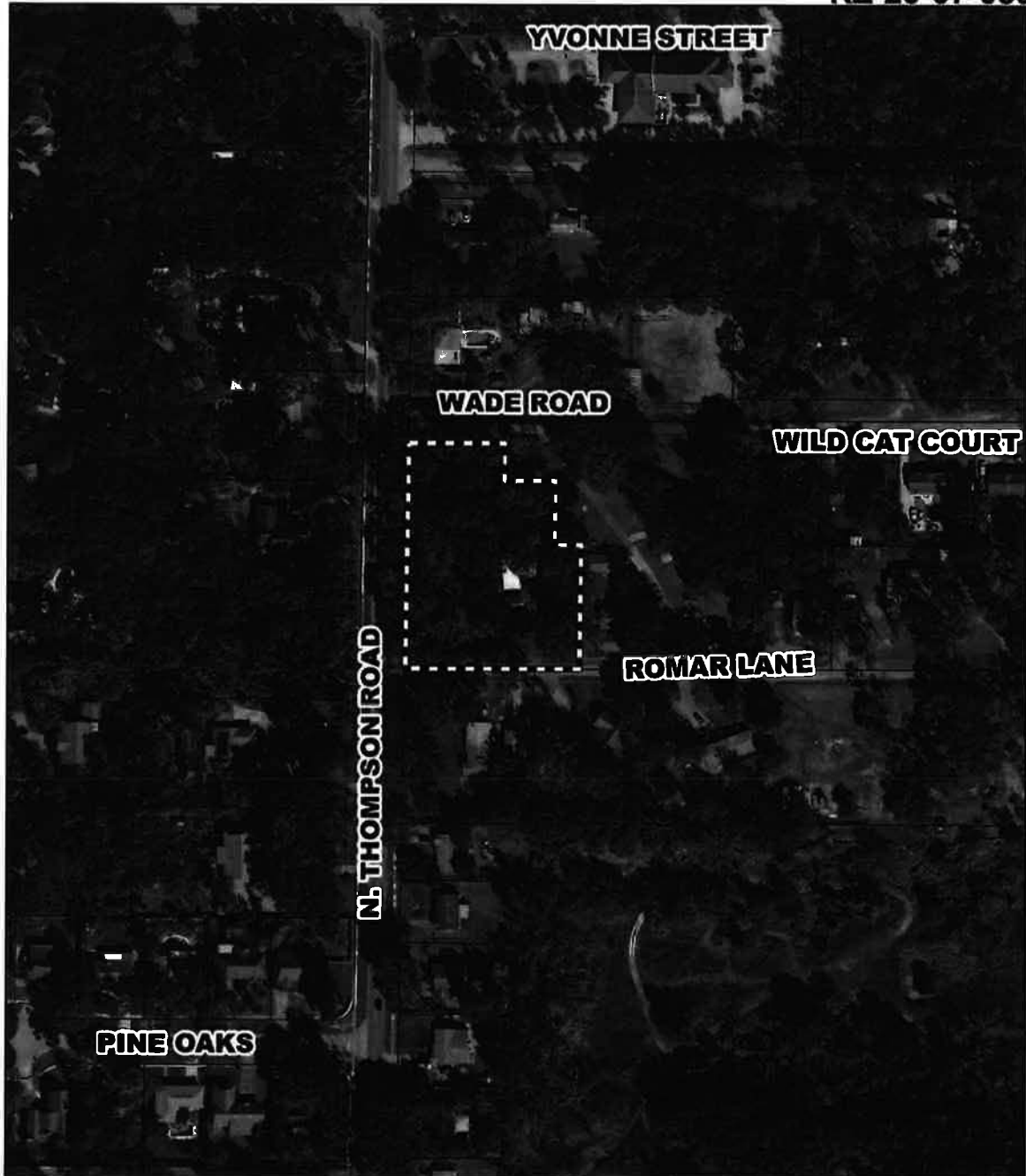
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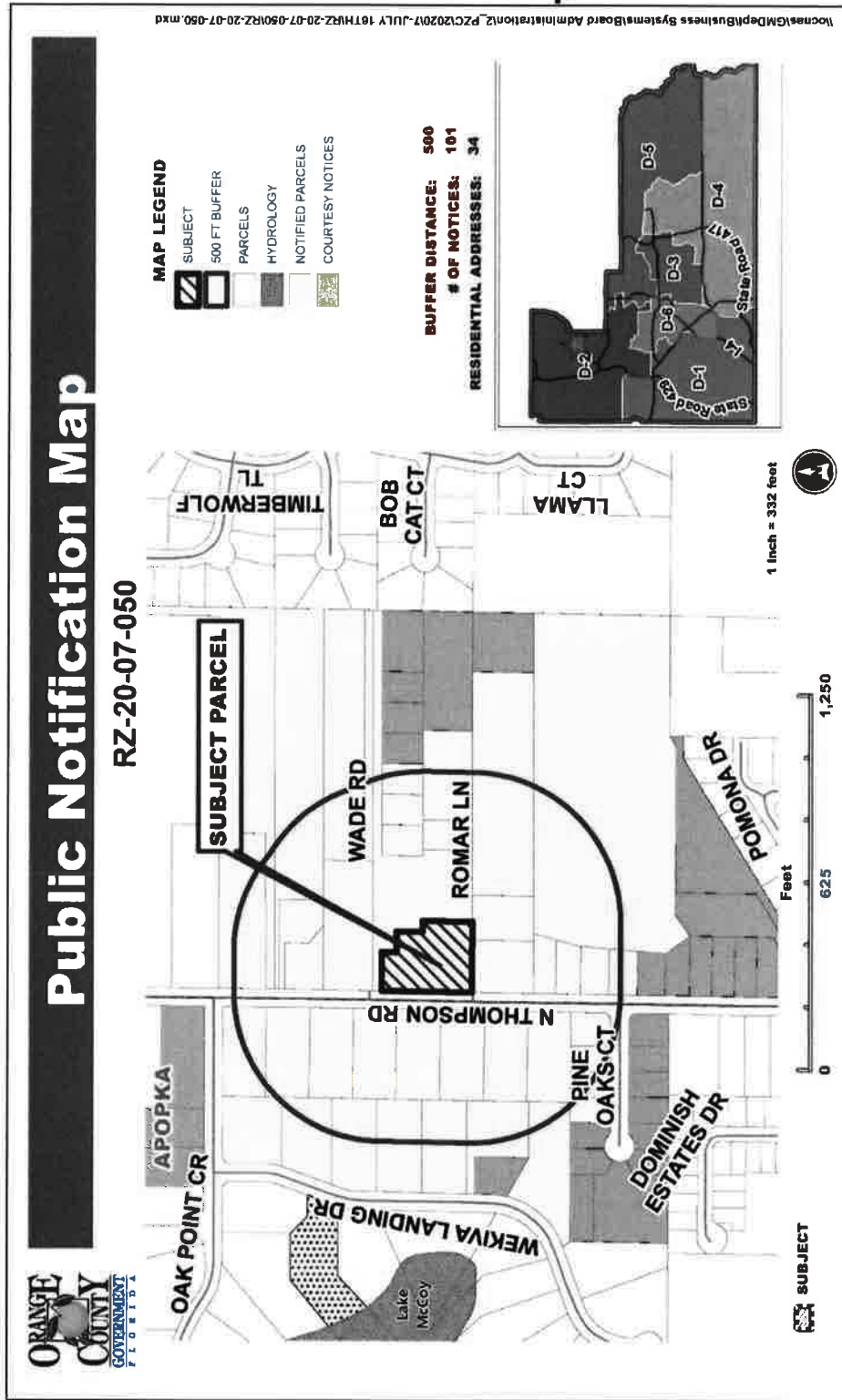


 Subject Property



1 inch = 175 feet

Notification Map



Alternative Mobilty Area Context Map

RZ-20-07-050
 561 N. THOMPSON RD
 5 SFR'S

Legend

- Major Streets
- Roads Base
- Segment_ID
- Major Streets
- Streets
- PA_PARCELS_Buffer616
- Parcels
- Horizon West Boundary
- County Boundary
- Parcels

