





Interoffice Memorandum

DATE: December 17, 2020

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: January 12, 2021 – Public Hearing
Planning and Zoning Commission Board-Called Rezoning
Applicant: Manuel Carbajal Lopez, Sr.
Case # RZ-20-10-065 / District 2

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone 1.08 gross acres from A-1 (Citrus Rural District) to R-1AA (Single-Family Dwelling District). The property is located at 842 S. Lake Pleasant Road; or generally located on the west side of S. Lake Pleasant Road, approximately 1,880 feet south of E. Semoran Boulevard. If approved, the applicant intends to construct one single-family residential dwelling unit on the subject property, pending lot split approval. On October 15, 2020, the Planning and Zoning Commission recommended approval of the request.

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-1AA (Single-Family Dwelling District) zoning. District 2

JVW/EPR/sfv
Attachment

CASE # RZ-20-10-065

Commission District: #2

GENERAL INFORMATION

| | |
|----------------------------|---|
| APPLICANT | Mr. Manuel Carbajal Lopez, Sr. |
| OWNERS | Mr. Manuel Carbajal Lopez, Sr.; Manuel Carbajal, Jr. |
| HEARING TYPE | Planning and Zoning Commission |
| REQUEST | A-1 (Citrus Rural District) to R-1AA (Single-Family Dwelling District) |
| LOCATION | 842 S. Lake Pleasant Road; or generally located on the west side of S. Lake Pleasant Road, approximately 1,880 feet south of E. Semoran Boulevard. |
| PARCEL ID NUMBER | 14-21-28-0000-00-120 |
| TRACT SIZE | 1.08 gross acres |
| PUBLIC NOTIFICATION | The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-five (75) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application. |
| PROPOSED USE | One (1) Single-Family Residential Dwelling Unit (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

This subject property is located on the west side of S. Lake Pleasant Road, approximately 1,880 feet south of E. Semoran Boulevard. The 47,000 square foot lot is currently undeveloped. Through this request, the applicant is proposing to facilitate a lot split to allow for the construction of one single-family dwelling unit on 1.08 gross acres.

The property's Future Land Use Map (FLUM) designation is Low Density Residential (LDR) and the zoning is A-1, which is inconsistent with the LDR FLUM designation. In order to allow for the construction of a single-family home, the Zoning and FLUM designation must be consistent.

As for the subdivision of the subject property, according to Orange County Zoning records the parcel and the surrounding area are in metes and bounds. This subject parcel was originally part of Lot 25, but in 2001 the lot was split to create the subject property as Lot 120 per the recorded warranty deed. Since this lot is not a lot of record, the applicant is required to apply for a lot split to rectify the unapproved lot split prior to obtaining building permits. This rezoning is associated with building permit B20003903.

The immediate area can be characterized as developed, with a mixture of single-family detached dwelling units on varying lot sizes. The residential district predominately consists of A-1 (Citrus Rural District) zoning which allows for 100-foot-wide lots. The subject property is within the Wekiva Study Area and is part of the Apopka Joint Planning Area.

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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Joint Planning Area (JPA) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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-1AA (Single-Family Dwelling District) zoning is consistent with the LDR 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 | Undeveloped Land |
| Adjacent Zoning | N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957) S: A-1 (Citrus Rural District) (1957) |
| Adjacent Land Uses | N: Single-Family Residence E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence |
| | <i>*No zoning restrictions apply to the above.</i> |

R-1AA (Single-Family Dwelling District) Development Standards

Min. Lot Area: 10,000 sq. ft.
Min. Lot Width: 85 feet
Max. Height: 35 feet
Min. Floor Area: 1,200 feet

Building Setbacks

Front: 25 feet
Rear: 30 feet
Side: 7.5 feet

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 | <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 9/15/2020, there are no failing roadways within the project area. |
| Schools | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Deminimus impact to OCPS. A capacity determination is not 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, 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. 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.

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 community meeting was not required for this request.

Utilities

Water: City of Apopka (Unavailable)

Waste Water: City of Apopka (Unavailable)

Reclaim Water: City of Apopka (Unavailable)

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 – (October 15, 2020)

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) zoning. The applicant was not present during the public hearing. No members of the public were present to speak during public comment on this request.

Staff indicated that seventy-five (75) 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) responses in opposition of the request.

A motion was made by Commissioner Dunn, and seconded by Commissioner Abdallah to recommend approval of the requested R-1AA (Single-Family Dwelling District) zoning. The motion carried unanimously with Commissioners Cardenas, Nazario, and Pena absent.

Motion / Second

Jimmy Dunn / Mohammed Abdallah

Voting in Favor

Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Gordon Spears, and Eddie Fernandez

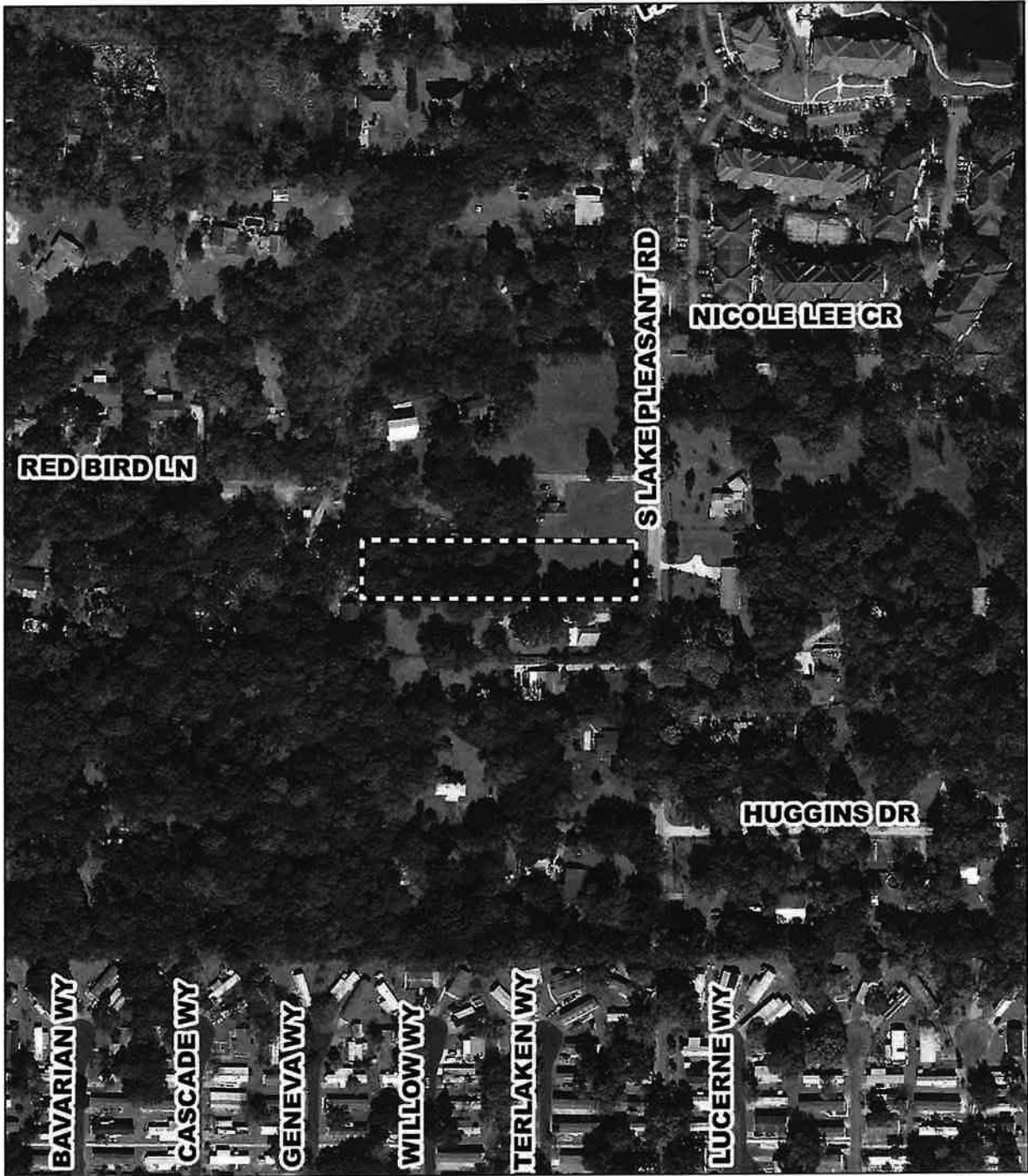
Voting in Opposition

None

Absent

Evelyn Cardenas, Carlos Nazario, and Nelson Pena

RZ-20-10-065

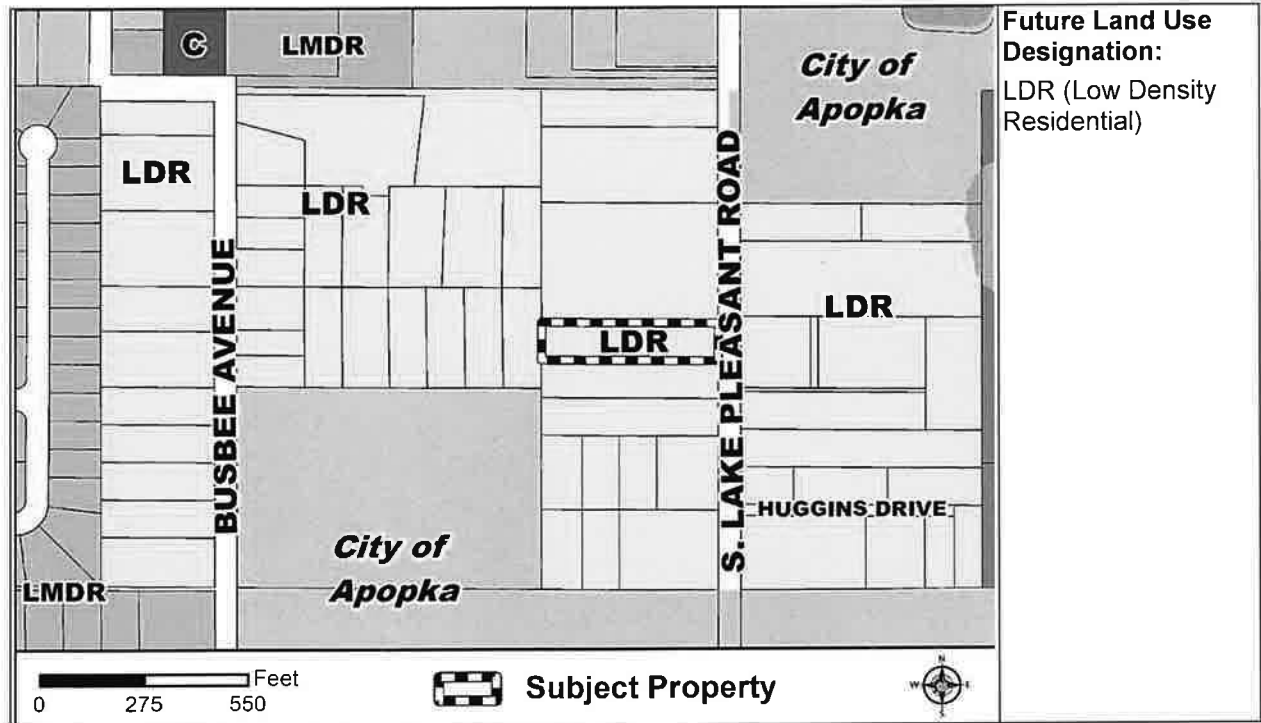


Subject Property

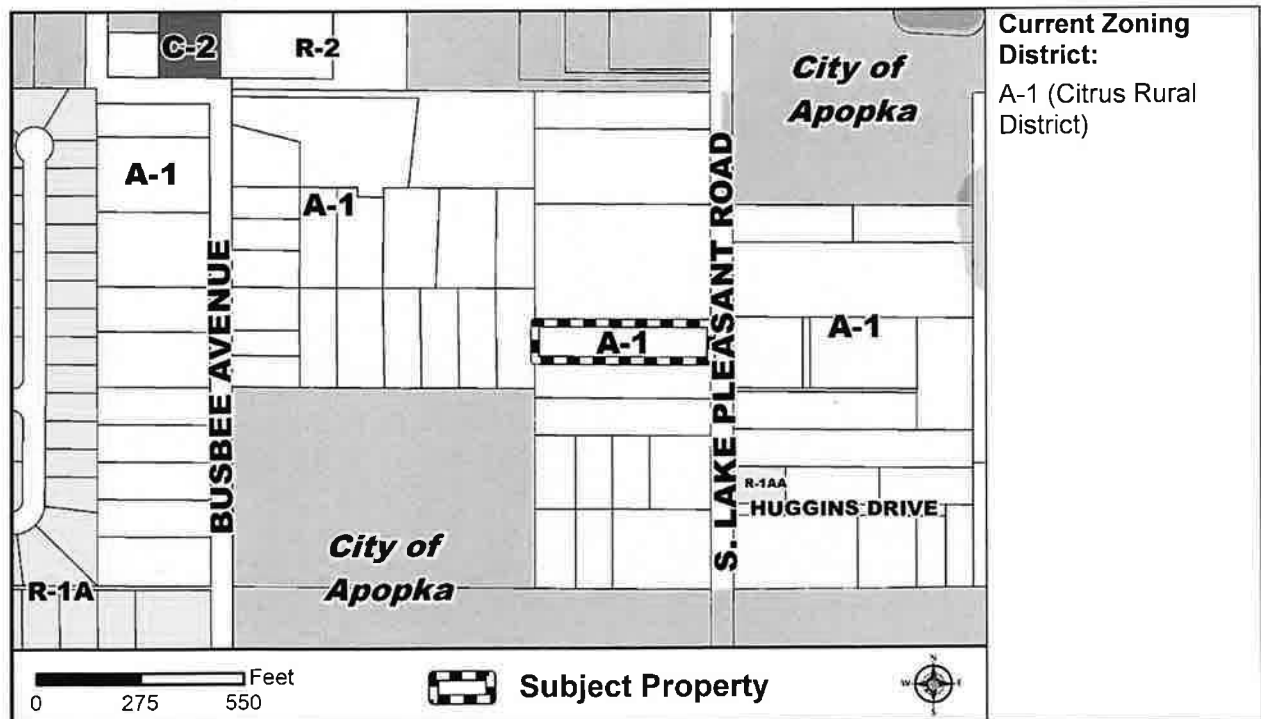


1 inch = 225 feet

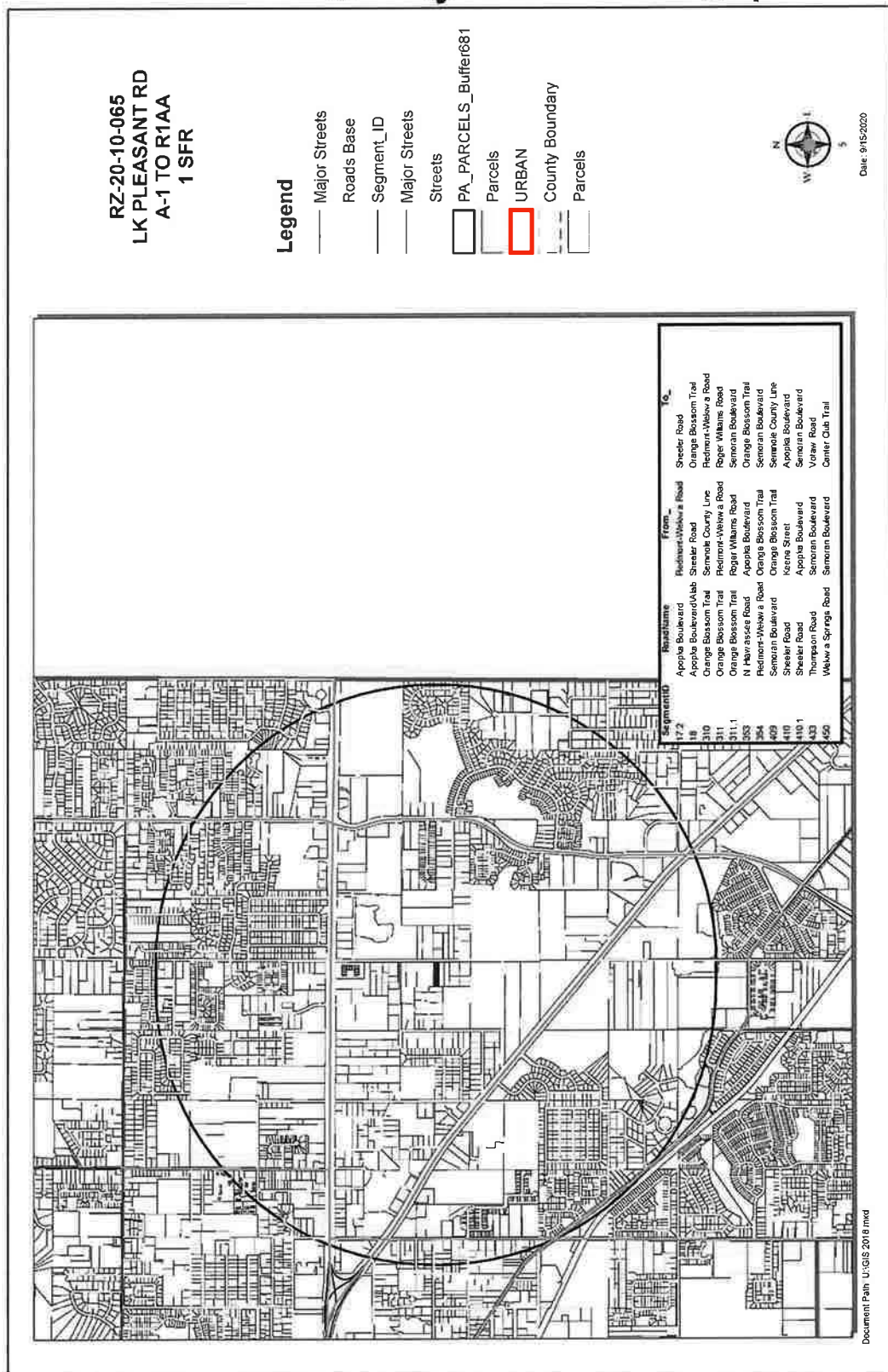
FUTURE LAND USE



ZONING - CURRENT



Alternative Mobility Area Context Map



Notification Map

