



Interoffice Memorandum

December 14, 2023

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

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental and Development
Services Department 

**CONTACT PERSON: Jason Sorensen, AICP, Chief Planner
Planning Division
(407) 836-5602**

SUBJECT: January 9, 2024 – Board-Called Rezoning Public Hearing
Jasilyn Bing
RZ-23-09-068 / District 2

The subject property is located on E. 15th Street, generally located northwest of the intersection of E. 15th Street and S. Highland Avenue, approximately 300 feet east of Old Apopka Road. The applicant is seeking to rezone the property from R-3 (Multiple-Family Dwelling District) to R-2 (Residential District) in order to allow for up to six single-family attached units as a duplex and quadraplex. The duplex development is proposed for parcel 15-21-28-0000-00-272 and the quadraplex is proposed for parcel 15-21-28-0000-00-234.

On October 19, 2023, the Planning and Zoning Commission recommended approval of the request unanimously after a brief discussion regarding utilities which staff clarified that the proposed development would be required to connect to City of Apopka utilities. At the hearing, there were no members present to speak on the matter. A community meeting was not required for this 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-2 (Residential District) zoning. District 2

AS/js
Attachments

CASE # RZ-23-09-068

Commission District: #2

GENERAL INFORMATION

APPLICANT: Jasilyn Bing

OWNER: BBB Property Acquisitions, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: R-3 (Multiple-Family Dwelling District) **to**
R-2 (Residential District)

LOCATION: E. 15th Street; generally bounded by E. 15h Street to the south,
S. Highland Ave to the east, E. 13th Street to the north, and Old
Apopka Road to the west.

PARCEL ID NUMBERS: 15-21-28-0000-00-272, 15-21-28-0000-00-234

SIZE / ACREAGE: 0.71-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-eight (148) notices were mailed to
those property owners in the surrounding area.

COMMUNITY MEETING: A community meeting was not required for this application.

PROPOSED USE: Duplex (two attached dwelling units) on parcel 15-21-28-0000-
00-272
Quadraplex (four attached dwelling units) on parcel 15-21-28-
0000-00-234

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

The subject parcels are platted as a 0.29-acre parcel measuring 80 feet lot width by 157 feet long (western parcel) and as a 0.42-acre parcel measuring 197 feet lot width by 157 feet long (eastern parcel). The eastern parcel is triangular shaped and has a 25-foot eastern lot length. A duplex is proposed on the western parcel and a quadraplex is

proposed on the eastern parcel. Each parcel meets the required size and dimension criteria for the proposed unit types.

The parcels are situated in the South Apopka neighborhood. The area can be characterized as a mix of unit types ranging from multi-family which is situated one block to the west, single-family homes on lots ranging from 50 feet wide to 100 feet wide.

A rezoning is needed for the subject parcels since the current R-3 district is not consistent with the existing Low-Medium Density Residential Future Land Use designation, whereas the proposed R-2 zoning district is.

Land Use Compatibility

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

Site Analysis

Rural Settlement

The subject property is not located in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located in the City of Apopka JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Code Enforcement

No cases found.

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 for up to 10 unit per acre. The proposed R-2 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 uses 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.

FLU8.2.2 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
Adjacent Zoning	N: R-3 (Multiple-Family Dwelling District) (1957) E: R-1 (Single-Family Dwelling District) (1957) W: R-3 (Multiple-Family Dwelling District) (1957) S: R-3 (Multiple-Family Dwelling District) (1957)
Adjacent Land Uses	N: Vacant E: Vacant W: Single-Family Residence S: Single-Family Residence

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

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:	
<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.

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

Environmental

Wekiva Study Area - 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 apply, but are not limited to: septic tank criteria, open space, stormwater treatment and conservation, and increased buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiva River Protection.

Wekiva Priority Focus Area - This site is located within the Wekiva Priority Focus Area. If a septic system is required, the Springs and Aquifer Protection Act (section 373.811(2) F.S.) requires advanced treatment of Onsite Sewage Treatment and Disposal System (OSTDS) 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. Contact the Florida Department of Health (FDOH) for individual determination and details of this advanced septic treatment system requirement.

Habitat Protection - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Solid Waste Management Facility Proximity - This site could be adversely impacted by existing solid waste management activities from the City of Apopka Wastewater Treatment Facility located ~0.7 miles to the south and the Vista Landfill located ~1.4 miles to the southwest. Potential odor and noise disturbance to residents should be considered during design. Prospective property owners should be notified of this proximity. Reference OC Comprehensive Plan, Solid Waste Element SW1.7.4.

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.

Solid Waste Disposal - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage,

and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

Transportation / Access

Six homes is de minimus.

Schools

Six homes is de minimus.

Parks and Recreation

No comments.

Community Meeting Summary

A community meeting was not required for this request.

Utilities Service Provider:

Water: Apopka

Wastewater: Apopka

Reclaim Water: Apopka

Detailed Utility Information:

This property is within the City of Apopka Water, Wastewater, and Reclaimed Service Area.

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 19, 2023

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. Zero members of the public appeared during the public comment portion of the hearing.

Staff indicated that one hundred forty-eight (148) notices were sent to property owners and residents in a 600 ft radius surrounding the property, and that staff had received no responses regarding this request.

After clarification from staff that the property would be required to connect to wastewater with the City of Apopka, a motion was made by Commissioner Spears and seconded by Commissioner Arrington to recommend APPROVAL of the requested R-2 (Residential District). The motion carried unanimously.

Motion / Second	<i>Gordon Spears / Michael Arrington</i>
Voting in Favor	<i>Gordon Spears, Michael Arrington, Nelson Pena, Eddie Fernandez, David Boers, Camille Evans, and Walter Pavon</i>
Voting in Opposition	<i>None</i>
Absent	<i>George Wiggins and Evelyn Cardenas</i>

RZ-23-09-068



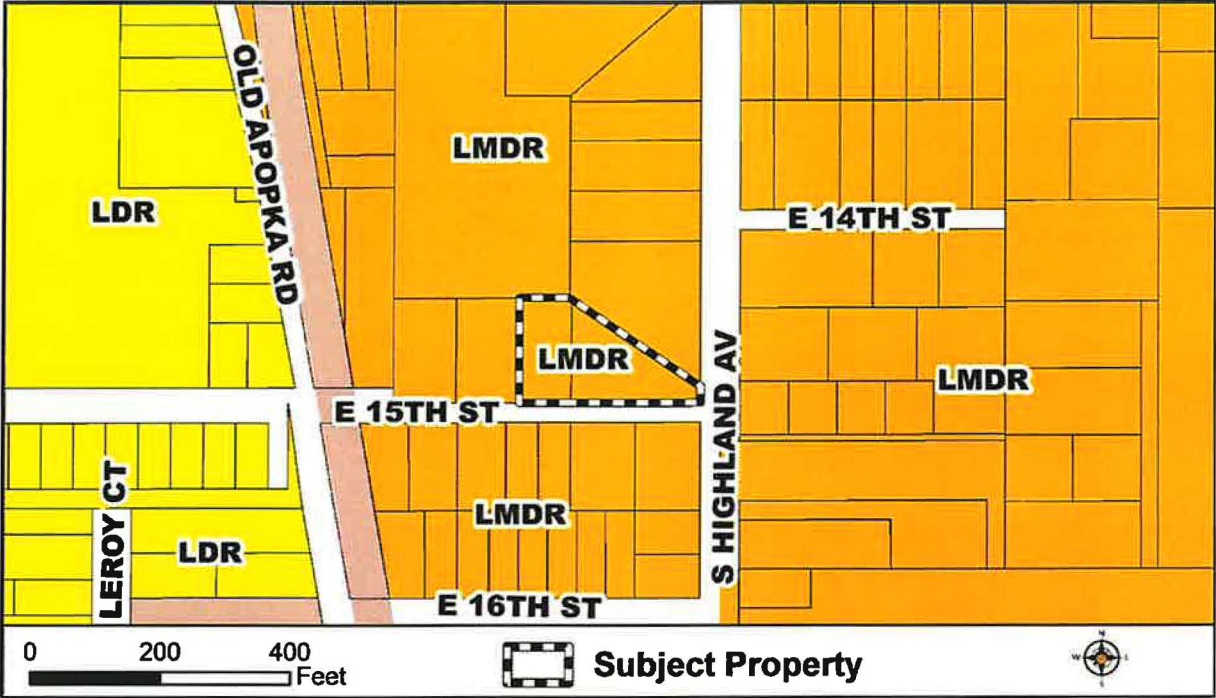
 Subject Property



0 100 200 Feet

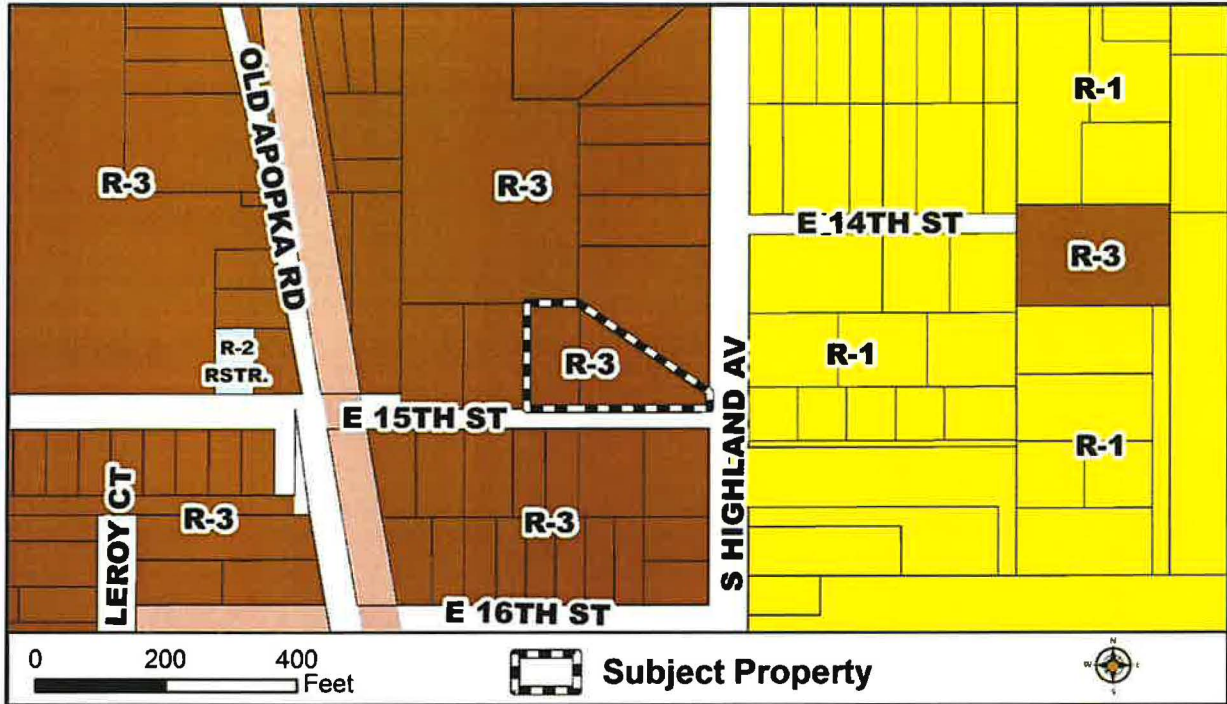


FUTURE LAND USE – CURRENT
Low-Medium Density Residential (LMDR)



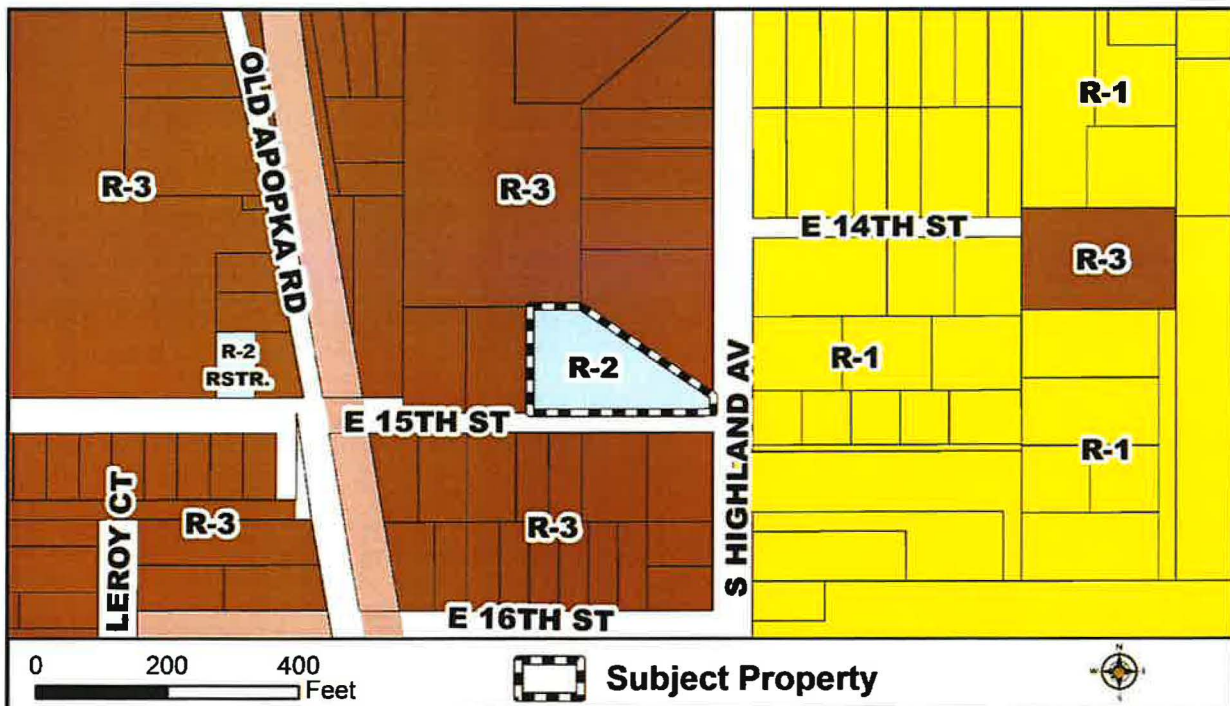
ZONING – CURRENT

R-3 (Multiple-Family Dwelling District)



ZONING – PROPOSED

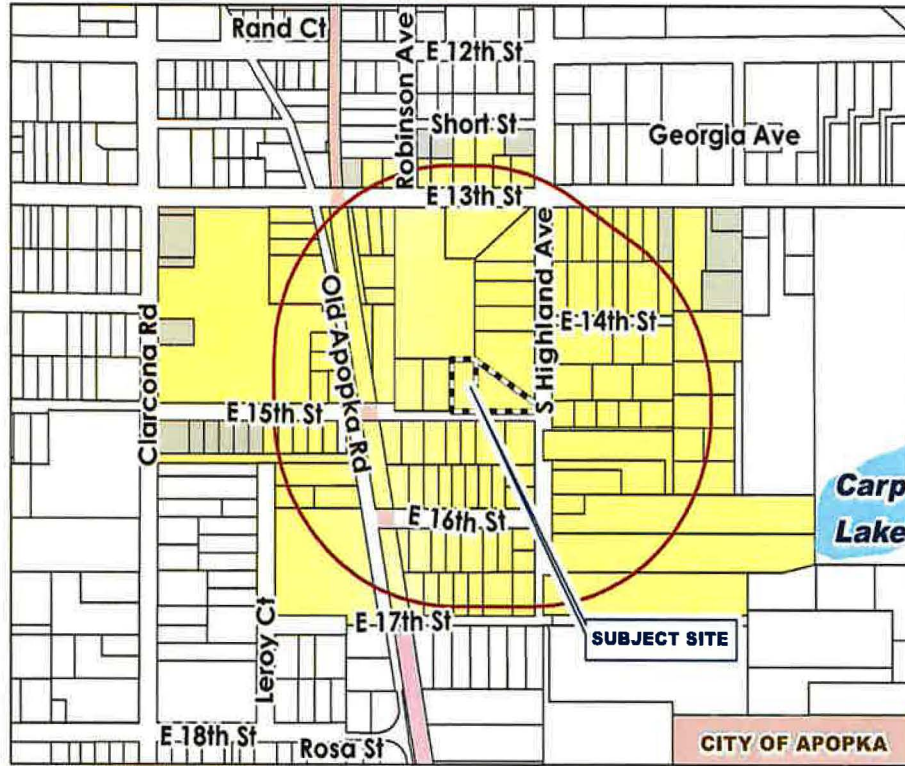
R-2 (Residential District)



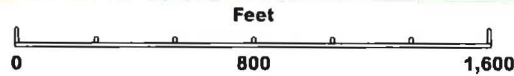


Public Notification Map

RZ-23-09-068



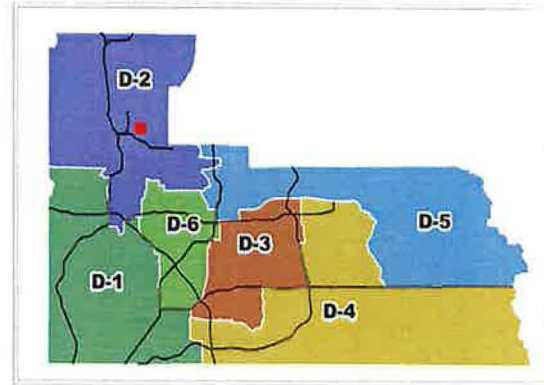
SUBJECT SITE



MAP LEGEND

- SUBJECT SITE
- 600 FT BUFFER
- HYDROLOGY
- PARCELS
- NOTIFIED PARCELS
- COURTESY PARCELS

BUFFER DISTANCE: 600
OF NOTICES: 148



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NOTIFICATION MAP

Case # RZ-23-09-068
Orange County Planning Division
BCC Hearing Date: January 9, 2024