



Interoffice Memorandum

DATE: September 25, 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

SUBJECT: October 13, 2020 – Public Hearing
Planning and Zoning Commission Board-Called Rezoning
Applicant: S. Brent Spain, Esq., Theriaque & Spain
Case # RZ-20-07-051 / District 2

Digitally signed by Eric P. Raasch, Jr., AICP
Date: 2020.09.25 11:15:38 -04'00'

This is a Board-called rezoning hearing, in which the applicant is seeking to rezone a 0.21 gross acre parcel located at 3605 Cilia Street; or generally north of Willow Street and approximately 435 feet west of Day Care Center Road, from R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District). The applicant's intent is to allow for the construction of one manufactured home. On August 20, 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-T-1 (Mobile Home Subdivision District) zoning. District 2

JVW/EPR/iap
Attachment

CASE # RZ-20-07-051

Commission District: #2

GENERAL INFORMATION

APPLICANT	S. Brent Spain, Esq. Theriaque & Spain
OWNERS	Yeinel Lorenzo, Ashley Goynes
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)
LOCATION	3605 Cilia Street; or generally north of Willow Street and approximately 435 feet west of Day Care Center Road.
PARCEL ID NUMBER	21-20-27-0000-00-087
TRACT SIZE	0.21-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]. Forty-four (44) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
PROPOSED USE	One (1) manufactured home

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) in order to accommodate a manufactured home.

The subject property has direct access to both Willow Street to the south and a private non-maintained access easement known as Cilia Street to the west. The surrounding

area is developed with single-family dwelling units on lots ranging in width from one-hundred (100) feet to two-hundred fifteen (215) feet. The Comprehensive Plan encourages a mixture of lot types and sizes, and the immediate area of the subject property has a variety of single-family residential lot types. The proposed rezoning would be compatible with the existing development pattern.

The subject property was previously rezoned in February, 2020, from R-CE-2 (Rural Residential District) to R-1A (Single-Family Dwelling District) to construct one (1) single-family dwelling unit. However, the applicant intended to state that a manufactured home was desired. Therefore, this new request is being considered in order to allow a manufactured home.

Land Use Compatibility

The R-T-1 (Mobile Home Subdivision 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 checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within the Otter Lake Rural Settlement.
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 subject property is located within the Otter Lake Rural Settlement and has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the Low Density Residential Rural Settlement FLUM designation; therefore, a CP amendment is not necessary. The proposed request is consistent with the following CP provisions:

FLU1.4.2 states that Orange County shall ensure that land uses 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.

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: R-CE-2 (Rural Residential District) (1982) E: R-1A (Single-Family Dwelling District) (2005) W: R-CE-2 (Rural Residential District) (1982) S: A-2 (Farmland Rural District) (1982) <i>*No restrictions apply to the above zoning districts.</i>
Adjacent Land Uses	N: Single-Family Dwelling E: Single-Family Dwelling W: Single-Family Dwelling S: Single-Family Dwelling

R-T-1 (Mobile Home Subdivision District) Development Standards:

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
Front:	25 / 20 ft.
Rear:	25 / 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.*

Permitted Uses

The R-T-1 (Mobile Home Subdivision District) zoning district is composed of lands and structures where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

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"/>	<p>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.</p> <p>Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction, and permits shall be applied for and issued by the appropriate agencies.</p> <p>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.</p> <p>The adjacent land use within 0.5 miles includes publicly managed property. These practices include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The construction of one manufactured home is de minimus for trip generation purposes.
Rural Settlement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject parcel is within the Otter Lake Rural Settlement.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

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 – (August 20, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

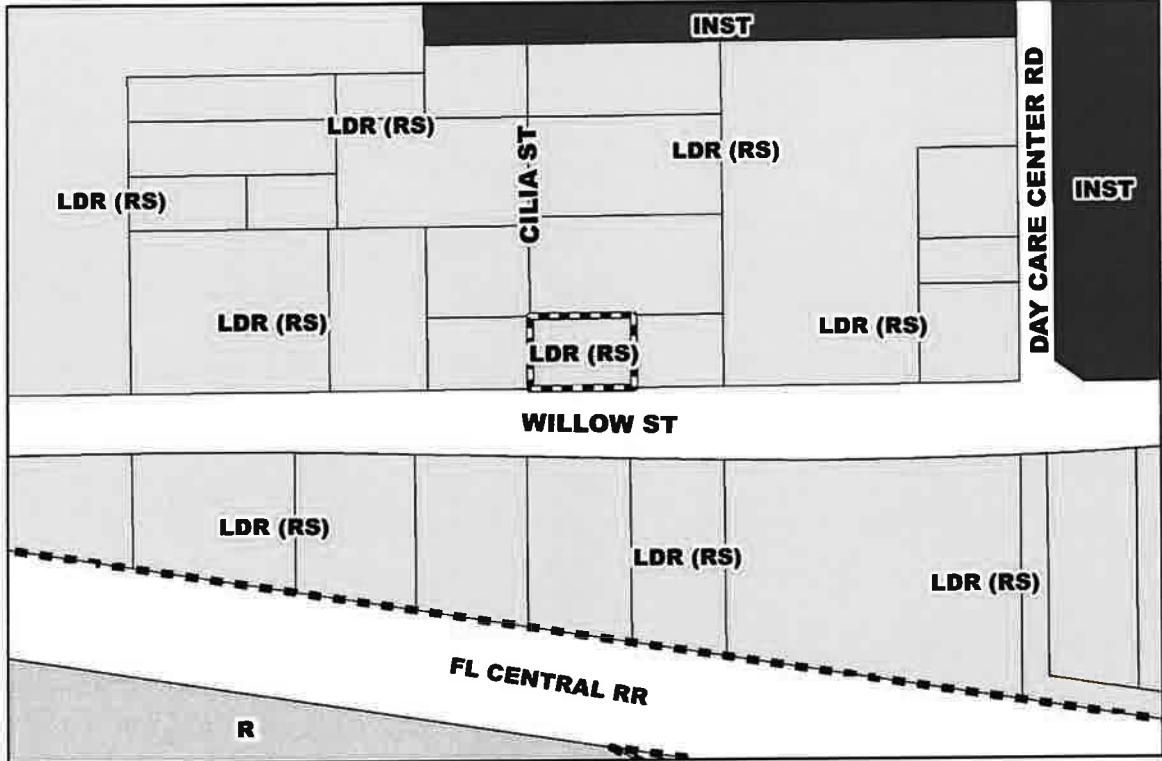
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that forty-four (44) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, and that staff had received one (1) response in favor, and zero (0) responses in opposition of the request. No members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Velazquez and seconded by Commissioner Nazario to recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning. The motion carried on an 8-0 vote.

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

RZ-20-07-051



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Density Residential Rural Settlement (LDR (RS))

APPLICANT: S.Brent Spain, Esq. Theriaque & Spain

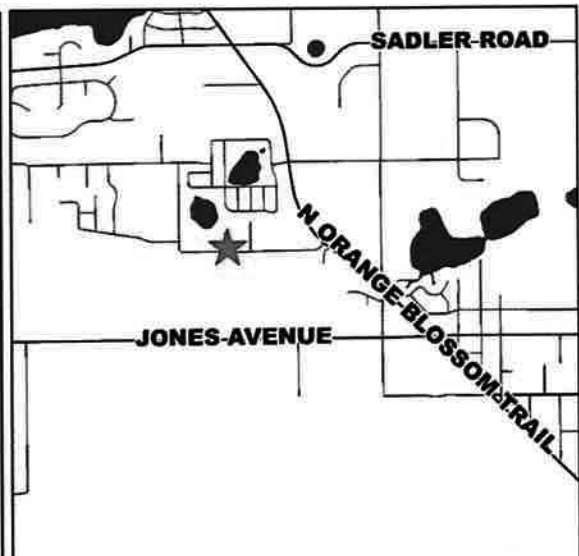
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TRACT SIZE: 0.21-gross acre

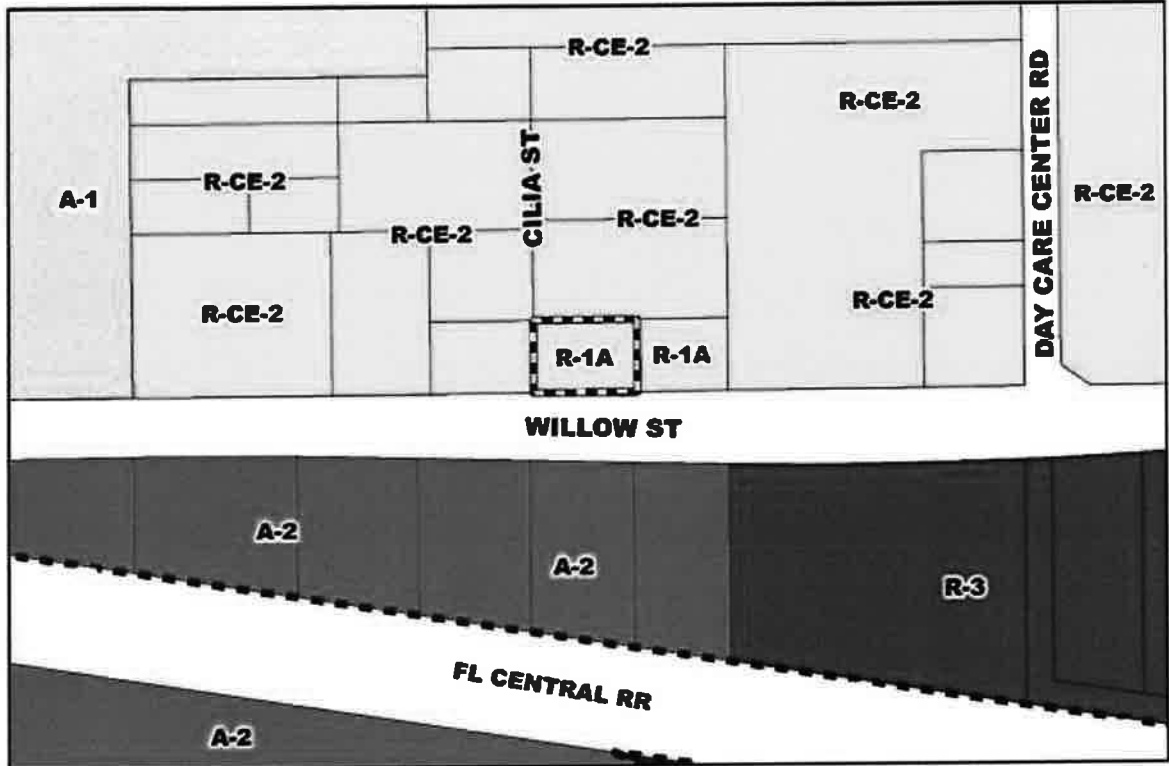
DISTRICT: #2

S/T/R: 27/20/21

1 inch = 165 feet



RZ-20-07-051



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)

APPLICANT: S.Brent Spain, Esq. Theriaque & Spain

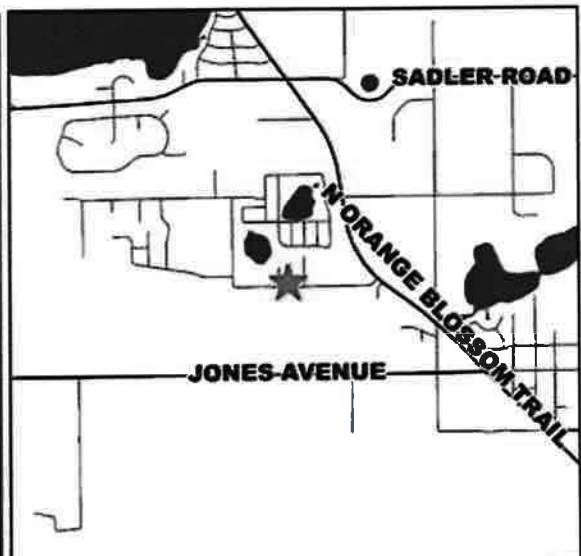
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DISTRICT: #2

S/T/R: 27/20/21

1 inch = 165 feet



RZ-20-07-051



 **Subject Property**



1 inch = 125 feet

Notification Map

