





Interoffice Memorandum

DATE: March 15, 2021

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: March 23, 2021 – Public Hearing
Planning and Zoning Commission: Board-called Rezoning
Applicant: Lance Jackson, Lennar Corporation
Case # RZ-21-01-083 / District 2

This is a Board-called rezoning hearing in which the applicant is seeking to rezone four parcels totaling 45.23 gross acres from A-1 (Citrus Rural District) to R-1 Restricted (Single-Family Dwelling District - Restricted). The properties are located at 1615 Schopke Lester Road and 1800 Schopke Lester Road; or generally south of W. Lester Road and west of Schopke Lester Road. The applicant's intent is to construct 120 single-family residential dwelling units on the subject property. Please note that if approved, this request would result in a capacity deficiency of 15.196 seats at Apopka High School. On January 21, 2021, the Planning and Zoning Commission recommended approval of the R-1 Restricted (Single-Family Dwelling District - Restricted) zoning, subject to restrictions.

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 - Restricted) zoning, subject to the restrictions listed in the staff report.**
District 2

JVW/EPR/IAP
Attachment

GENERAL INFORMATION

APPLICANT	Lance Jackson, Lennar Corporation
OWNERS	Stacey Fisher, Lawrence Fisher
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-1 (Citrus Rural District) to R-1 Restricted (Single-Family Dwelling District - Restricted)
LOCATION	1615 Schopke Lester Road and 1800 Schopke Lester Road, generally south of W. Lester Road, and west of Schopke Lester Road.
PARCEL ID NUMBER	31-20-28-0000-00-023, 31-20-28-0000-00-031, 31-20-28-0000-00-004, and 31-20-28-0000-00-025
TRACT SIZE	45.23 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]. Two hundred ninety-nine (299) notices were mailed to those property owners in the surrounding area. A community meeting was required for this application and is summarized further in this staff report.
PROPOSED USE	One Hundred Twenty (120) Single-Family Residential Units

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 - Restricted) zoning, subject to the following restrictions:

- 1) Development shall be limited to one hundred twenty (120) single-family residential units;
- 2) No less than three (3) access points shall be provided;
- 3) Vehicular access gates shall be prohibited;

- 4) Lots along the periphery of the site shall be a minimum of seventy-five feet (75') wide; and
- 5) The required open space shall be oriented to the northern and northwestern portion of the site in order to preserve existing trees, unless the soil analysis required by Comprehensive Plan Policy OS1.3.6 indicates that a different area is a more effective recharge area. In such case, when the soil type best suited for aquifer recharge is situated elsewhere on the site, then the open space should be located there instead.

SUBJECT PROPERTY ANALYSIS

Overview

The applicant is seeking to rezone the subject property from A-1 (Citrus Rural District) to R-1 Restricted (Single-Family Dwelling District - Restricted) with the intent to construct a subdivision to include one hundred twenty (120) single-family residential detached units.

The subject property consists of four parcels with total acreage of 45.23 and has not been platted. It is located in the Urban Service Area (USA) within the City of Apopka Joint Planning Area (JPA) and as such, the proposed development is required to connect to utilities provided by the City of Apopka. The Future Land Use Map (FLUM) designates the subject property as Low Density Residential (LDR) and allows for the consideration of up to four dwelling units per acre. With the total acreage of 45.23, the maximum yield is 180 units, however the proposed development is restricted to 120 units, which is consistent with the applicant's request. The formal School Capacity Determination letter provided by Orange County Public Schools states that school capacity for the development is not available.

The subject property is located in the Wekiva Study Area which requires at least thirty-five (35) percent of the land area to be preserved as open space. Open space shall be primarily larger, contiguous parcels rather than in linear strips to encourage maintenance of rural views, lifestyles, and economies and shall be comprised mainly of existing undisturbed natural areas.

Comprehensive Plan Transportation Element Objective T3.2, Policy T3.2.1, Urban Design Element Policy UD1.6.5, and Code Section 34-280(a) promote neighborhood interconnectivity through connected vehicular, pedestrian, and bicycle networks which reduce vehicular overloading on adjacent collector and arterial streets, and provide transportation mode choices. New developments are required to establish multiple points of vehicular access to surrounding neighborhoods through cross-access easements, and access stub outs to adjacent parcels. A restriction is proposed to require sufficient cross connectivity.

A restriction is proposed to prohibit the subject property from becoming a gated community and to allow for interconnectivity. As per Code Section 34-290, a gated subdivision is defined as a privilege that the Board of County Commissioners may grant. Further, Section 34-280(a) states that gated communities are only appropriate in cases

where the development is a phase of a larger subdivision that is already gated, or if there are physical barriers such as wetlands, highways, or existing abutting development that make interconnectivity impossible.

Finally, a restriction regarding the preservation of trees is proposed. Comprehensive Plan Policy OS1.3.6 speaks to the preservation of sensitive natural habitats as well as recharge areas, both of which are of importance to the Wekiva Springshed and its natural resources. This project is within the Urban Service Area (USA), and is therefore required to provide 35% open space, which must be primarily contiguous instead of spread out in small areas across the site. Therefore, the best location for this open space is in the northern portion of the site, which appears to have a healthy tree canopy. The language in the proposed restriction is written in such a way as to allow for the open space to be positioned over certain soils which provide the best aquifer recharge. At the time of Preliminary Subdivision Plan (PSP) submittal, a soil analysis will be required.

Land Use Compatibility

The R-1 Restricted (Single-Family Dwelling District - Restricted) 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"/>	City of Apopka
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) which allows for consideration of up to four dwelling units per acre. The proposed R-1 Restricted (Single-Family Dwelling District - Restricted) zoning is consistent with the Low Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

OBJ OS1.3 states that Orange County shall protect the Wekiva Springshed and its natural resources by maximizing preserved open space within the Wekiva Study Area.

OS1.3.2 states that Open space within the Wekiva Study Area (WSA) and Wekiva River Protection Ordinance area shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity

of developable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights-of-way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas using Best Management Practices. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement

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.

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	Undeveloped Land
Adjacent Zoning	N: City of Apopka

- E: A-1 (Citrus Rural District) (1957)
City of Apopka
- W: City of Apopka
R-1A (Single-Family Dwelling District) (2003)
A-1 (Citrus Rural District) (1957)
- S: City of Apopka

- Adjacent Land Uses**
- N: Single-Family Residential
 - E: Single-Family Residential
 - W: Single-Family Residential
 - S: Single-Family Residential

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 below
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are several failing roadways within the impact area. A traffic study and proportionate share agreement will be required for this development.

Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A formal capacity determination letter has been provided with no availability for this development. Although all three schools (elementary, middle and high) are currently failing, the elementary school (Wolf Lake) and middle school (Wolf Lake) are scheduled for relief in 2022. Apopka High School will remain as failing for capacity purposes. The current utilization for Apopka High is 106%. With encumbered and reserved capacity taken into account, the adjusted utilization if this project is approved would be 108% with 15.196 students generated.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Current aerial photographs, soils, land cover and flood maps do not show conclusive indicators of wetlands or surface waters onsite. For an official determination, the applicant should submit an application to Petition for Binding Determination of Exemption (BDE), in accordance with Orange County Code Chapter 15 - Environmental Control, Article X - Wetland Conservation Areas, Section 15-381(a).

This project site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 Florida Statutes (F.S.), and within the Wekiwa Springs and Rock Springs Basin Management Action Plan (BMAP) Priority Focus Area (PFA), as established by the Florida Springs and Aquifer Protection Act, Section 373.801, et. seq. F.S. Special area regulations apply.

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

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for any septic systems; and the Water Management District, as well as the DOH, for wells.

This project site may have a prior agricultural land use that resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to Orange County to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations. If an

Environmental Site Assessment (ESA) has been completed, please submit a copy with this application.

Community Meeting Summary

A community meeting was held virtually on Tuesday, January 19th, 2021 at 7:00 p.m. 12 residents in attendance. Residents stated safety concerns about an unsafe exit to Schopke Lester Road from Countryside Drive and whether residents would rely on street parking. There were also concerns about the impact from additional traffic at the intersection of W. Lester Road and Schopke Lester Road as well as safety concerns regarding the entrance of W. Lester Road at the bottom of the hill. Residents also expressed concerns regarding the existing trees on the site. Lastly, one resident cited concerns for homes along the southern portion of the property adjacent to the subdivision to the south.

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 – (January 21, 2021)

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

- 1) Development shall be limited to one hundred twenty (120) single-family residential units;
- 2) No less than three (3) access points shall be provided;
- 3) Vehicular access gates shall be prohibited;

- 4) Lots along the periphery of the site shall be a minimum of seventy-five feet (75') wide; and
- 5) The required open space shall be oriented to the northern and northwestern portion of the site in order to preserve existing trees, unless the soil analysis required by Comprehensive Plan Policy OS1.3.6 indicates that a different area is a more effective recharge area. In such case, when the soil type best suited for aquifer recharge is situated elsewhere on the site, then the open space should be located there instead.

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 Restricted (Single-Family Dwelling District - Restricted) zoning. The applicant was present and agreed with the staff recommendation and restrictions.

Staff provided a summary of a virtual community meeting that was held on Tuesday, January 19th, 2021 with 12 residents in attendance. The residents asked questions and raised safety concerns about traffic, access ingress and egress safety onto Schopke Lester Road, school overcrowding, flooding of nearby areas, compatibility to adjacent subdivisions, wildlife, and preservation of natural areas.

Staff indicated that 299 notices were sent to property owners within 500-foot area surrounding the subject property, and that staff had received 67 responses in opposition and zero in support to the request. Those opposed had concerns relating to increased traffic, preservation of natural areas, access points and traffic safety, overdevelopment in the area, impacts to wildlife, overcrowded schools, small lot sizes, and compatibility with the surrounding area.

One member of the public was present to speak on this request and expressed concerns regarding access safety to Schopke Lester Road. After discussion regarding the proposed development of the property, a motion was made by Commissioner McQuade and seconded by Commissioner Spears to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District - Restricted) zoning, subject to five restrictions. The motion carried on a 5-0 vote.

Motion / Second

Sean McQuade / Gordon Spears

Voting in Favor

Sean McQuade, Gordon Spears, Trevor Sorbo, JaJa Wade, and Eddie Fernandez

Voting in Opposition

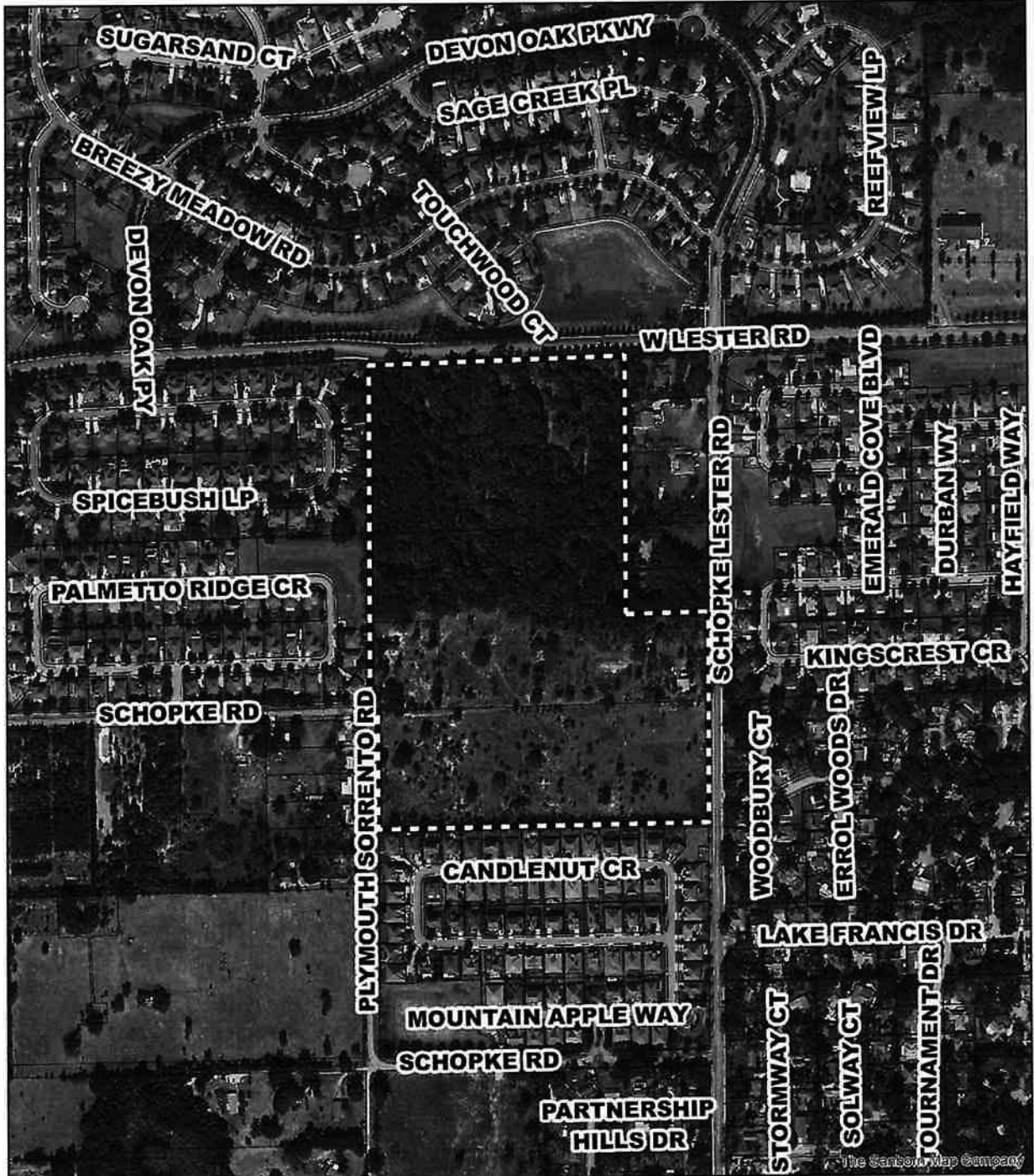
None

Absent

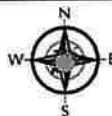
Nelson Pena, Carlos Nazario, and Evelyn Cardenas

Mohammed Abdallah declared a conflict of interest and recused himself from the vote.

RZ-21-01-083

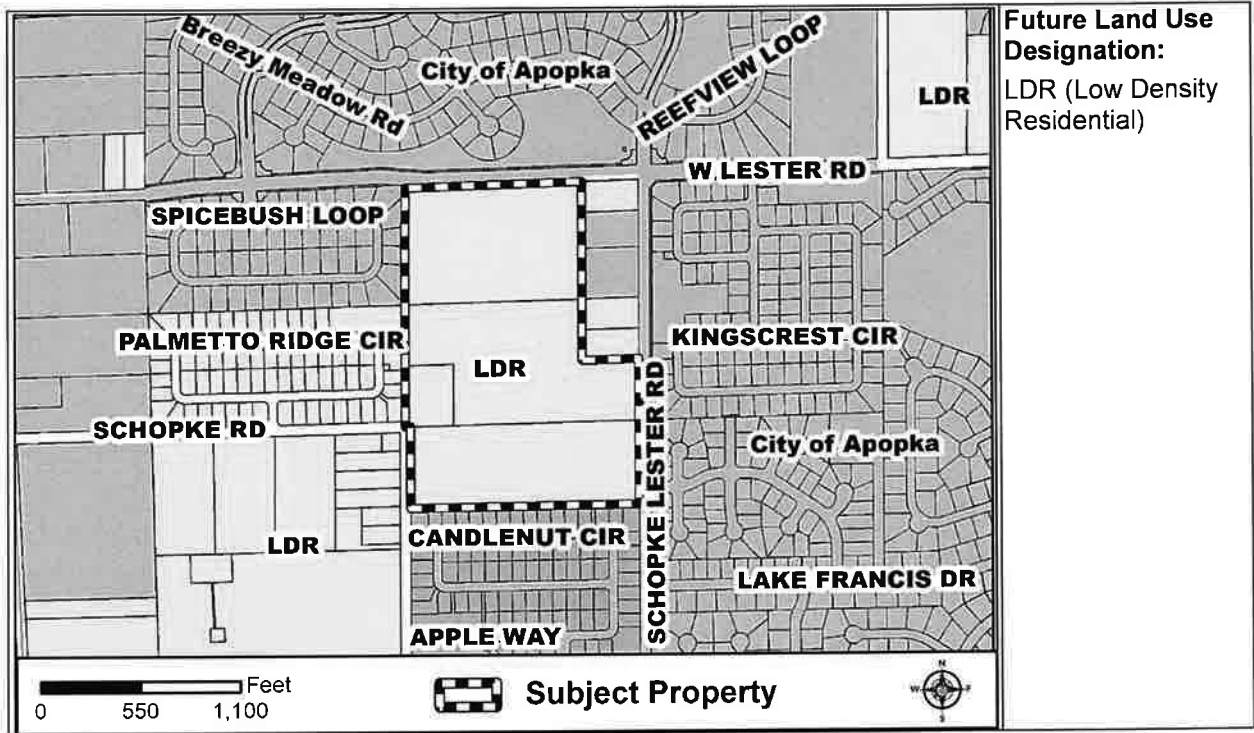


 Subject Property

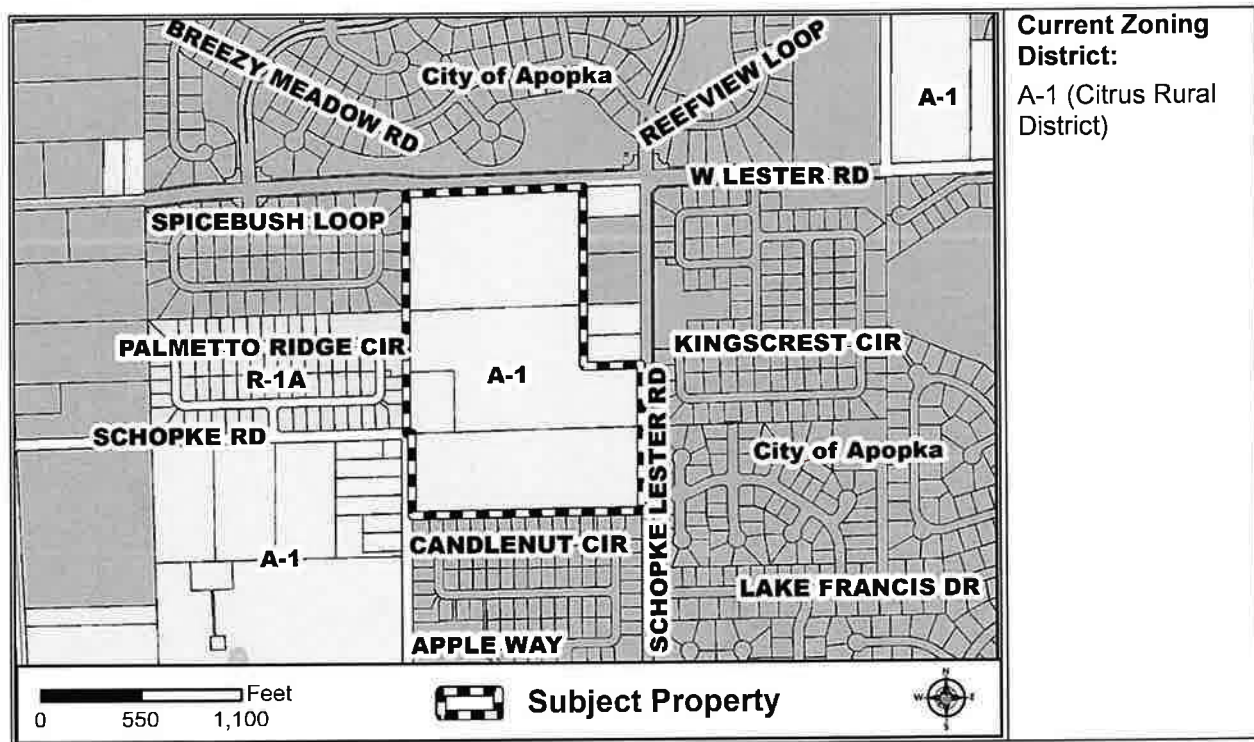


1 inch = 500 feet

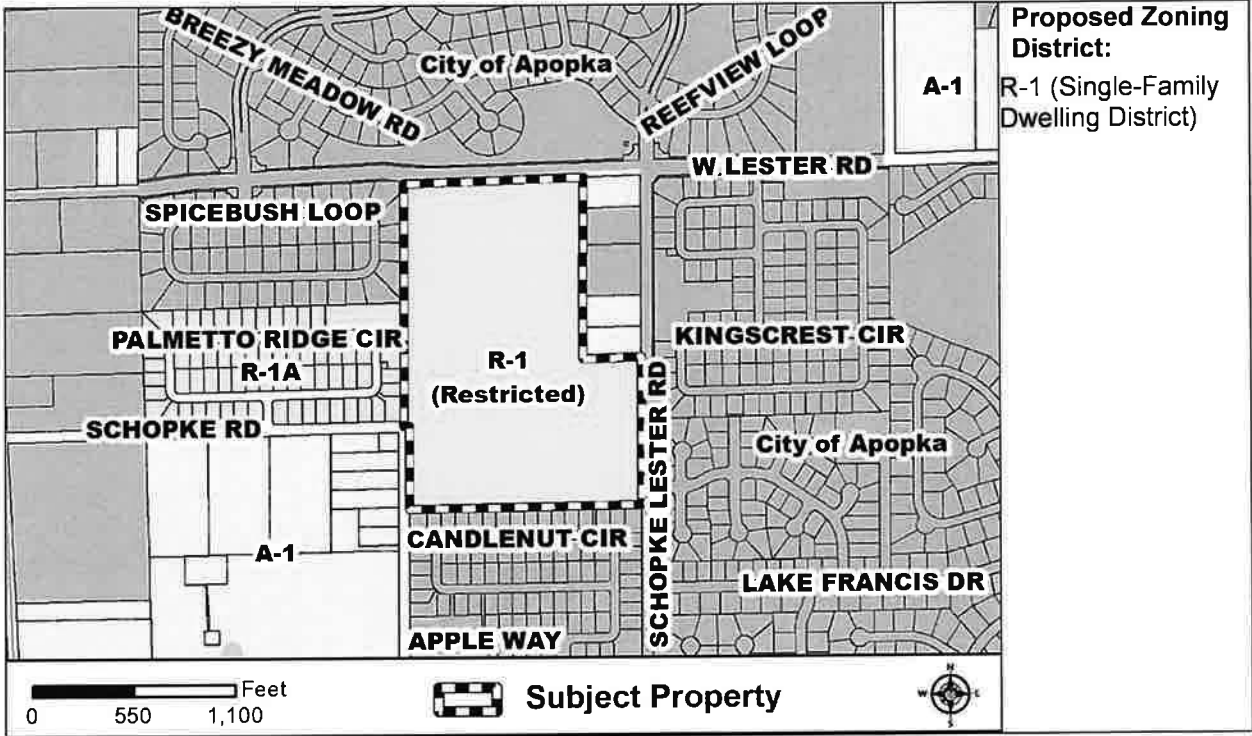
FUTURE LAND USE – CURRENT



ZONING - CURRENT



ZONING - PROPOSED



School Capacity Determination



6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

January 7, 2021

VIA E-MAIL: LANCE.JACKSON@LENNAR.COM

Lance Jackson
 Lennar Homes
 6750 Forum Drive, Suite 310
 Orlando, FL 32821

Application: OC-21-001 Rhett's Ridge

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input type="checkbox"/> FLUM
	<input checked="" type="checkbox"/> Rezoning
	<input type="checkbox"/> Amendment or Extension
Development Application #:	RZ-21-01-083
Project Name:	Rhett's Ridge
OCPS Completed Application Date:	January 5, 2021
Parcel #(s):	31-20-28-0000-00-004; -023; -025; -031
Requested New Units (#):	SF: 116 MF: 0 TH: 0
Vested Unit(s):	SF: 4 MF: 0 TH: 0
Total Project Units:	120
School Board District:	# 7

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in Attachment A.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Wolf Lake ES	Wolf Lake MS	Apopka HS
Jurisdictional Analysis	N/A	N/A	Apopka – 62.6%, Orange County - 37.4%

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County.

This determination expires on **July 6, 2021**. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement. Please submit school concurrency applications directly to Orange County Government.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022139 or e-mail me at steven.thorp@ocps.net with any questions.

Sincerely,

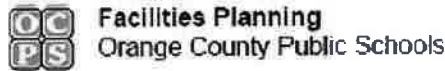


Steven Thorp, AICP
Sr. Administrator, Facilities Planning

VJ/st

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Irina Pashinina, Orange County (via e-mail)
Bobby Howell, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File



School Capacity Determination

User ID #: 106591 January 7, 2021 11:11:55

Project ID: CEA - OC - 21 - 001

Valid Until: July 6, 2021

Project Name:		RHETT'S RIDGE	
Unvested Units	Single Family Units:	116	Vested Units
	Multi Family Units:	0	
	Town Homes Units:	0	
	Single Family Units:	4	
	Multi Family Units:	0	
	Town Homes Units:	0	

	Elementary	Middle	High
School Level	DD		
CSA:	DD		
School:	WOLF LAKE ES	WOLF LAKE MS	APOPKA HS
Analysis of Existing Conditions			
School Capacity (2019-2020)	828	1,150	3,232
Enrollment (2019-2020)	1,069	1,451	3,422
Utilization (2019-2020)	129.0%	126.0%	106.0%
LOS Standard	110.0%	100.0%	100.0%
Available Seats	0	0	0
Analysis of Reserved Capacity			
School Level	Elementary	Middle	
Encumbered Capacity	74	132	36
Reserved Capacity	9	65	18
Adjusted Utilization	139.1%	143.3%	107.5%
Adjusted Available Seats	0	0	0
Analysis of Proposed Development			
Students Generated	22,156	11,020	15,196
Adjusted Utilization	141.8%	144.3%	108.0%
PASS/FAIL	FAIL *	FAIL *	FAIL
Number of Seats to Mitigate	22,156	11,020	15,196

WOLF LAKE ES	*PASS - SCHEDULED FOR RELIEF IN 2022.
WOLF LAKE MS	*PASS - SCHEDULED FOR RELIEF IN 2022.
APOPKA HS	ADJUSTED FISH REFLECTS CORE CAPACITY.

Notification Map

