

Interoffice Memorandum

DATE: March 28, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department 

CONTACT: Jason Sorensen, AICP, Chief Planner

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to one restriction as listed under PZC Recommendation in the staff report. District 2 (Planning Division)

PROJECT: RZ-25-01-051 – 849 N. Thompson Road

PURPOSE: The request is to rezone from R-1A Restricted (Single-Family Dwelling District) to R-1 Restricted (Single-Family Dwelling District) in order to allow for two additional homes (12 total single-family homes) and smaller lot sizes. The current zoning is restricted to 10 homes and allows lots 7,500 square feet in size and 75 feet in width. The R-1 zoning allows for 5,000 square feet in size and 50 feet in width. The subject property is located in the Wekiva Study Area which requires 35% open space, a requirement that was not in effect during the rezoning to R-1A in 2005. Two community meetings were held on December 10, 2024, and February 10, 2025, with 29 and nine residents in attendance, respectively. The applicants original request was for 15 homes and the residents were concerned about traffic, pedestrian safety, potential for decreased property values, and drainage. At the 2nd meeting, residents were generally more supportive of the reduced request for 12 homes but were still concerned about the same issues. The Planning and Zoning Commission hearing was held on February 20, 2025. After a brief discussion on wastewater connection and lot size compatibility, the request was recommended for unanimous approval with a restriction that homes be limited to a maximum of 12 units.

BUDGET: N/A

CASE # RZ-25-01-051

Commission District: #2

GENERAL INFORMATION

APPLICANT: Ahiteme Houndonougbo, Thompson Road Oasis, LLC

OWNER: Thompson Road Oasis, LLC

HEARING TYPE: Planning and Zoning Commission

REQUEST: **R-1A Restricted** (Single-Family Dwelling District) **to**
R-1 (Single-Family Residential District)

LOCATION: 849 N. Thompson Road; generally located on the east side of N. Thompson Road, north of E. Sandpiper Street, south of Orchard Drive.

PARCEL ID NUMBER: 02-21-28-0000-00-048

SIZE / ACREAGE: 4.57 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 sixty-nine (269) notices were mailed to those property owners in the surrounding area.

COMMUNITY MEETING: An in-person community meeting was held on December 10, 2024. A second in-person community meeting was held on February 10, 2025. Both meetings are summarized further in this report.

PROPOSED USE: Twelve (12) single-family homes

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the R-1 Restricted (Single-Family Dwelling District) zoning subject to one (1) restriction:

1. Development shall be limited to twelve (12) single-family homes.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone the subject property to R-1 (Single-Family Dwelling District) and remove a restriction from 2005 that limits development on

the property to a maximum of 10 dwelling units. The applicant is proposing to develop 12 single-family dwelling units.

The property is currently zoned Restricted R-1A (Single-Family Dwelling District). The property was rezoned from A-1 (Citrus Rural District) to R-1A Restricted in 2005, with a restriction that limits development to 10 units.

The R-1A district requires a minimum lot size of 7,500 square feet and lot width of 75 feet. The proposed R-1 district allows for 5,000 s.f. minimum lot size and 50 foot width. At the time of 2005 rezoning, the County had not yet implemented Wekiva Study Area policies, which require, among other standards, that a minimum of 35% contiguous, undisturbed open space be provided for residential development of fewer than 100 acres within the Urban Service Area but not in Rural Settlements. Clustering of dwelling units within the Wekiva Study Area is encouraged to preserve the maximum amount of open space. Smaller lots are permitted as part of clustering strategies.

The applicant will be required to meet the Wekiva Study Area requirements and is proposing to limit development to 12 dwelling units and cluster them to preserve as much open space as possible.

Land Use Compatibility

The R-1 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

Rural Settlement

The subject property is not located in a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located in a 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 Density Residential (LDR) which allows consideration of up to four (4) units per net developable acre. The proposed R-1 Restricted 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:

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

OS1.3.4 states that: A) 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 are required to cluster to the maximum extent feasible to preserve open space. Such clustering is intended to be density neutral, and lot sizes may be adjusted as needed to accommodate preserved open space. Priority for open space protection shall be given to the following resources required to be protected by the Wekiva Parkway and Protection Act:

1. The most effective recharge areas;
2. Karst features; and
3. Sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetative communities.

B) The purposes of “open space design” within a development are to minimize site disturbance, reduce land development costs, reduce infrastructure costs, provide more cost-effective and efficient site infrastructure, provide better management of facilities, and permanently protect open space while remaining density and intensity neutral. The Land Development Code shall include requirements and incentives for open space / conservation subdivision design including minimum open space requirements, maximum lot size and design standards.

C) Open space shall be 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. To the extent possible, preserved open space shall be used to create corridors and larger parcels more suitable for nature-based recreation, low-intensity agriculture, silviculture, aquifer recharge protection, or wildlife and habitat management, so that remnant open space areas are not created that are unusable or function as private open space to only a small percentage of the development. If a project is located next to off-site open space whose primary function is conservation of natural resources, connection of open space with compatible functions is required. “Compatible” means similar or complementary such as uplands adjacent to wetlands or isolated wetlands within flatwoods or scrub areas.

D) Open space property shall be preserved through publicly recorded, permanent conservation easements or similar legal instruments to preclude future development or further subdivision of the land while ensuring maintenance of and appropriate access to the open space areas in perpetuity. Preserved areas shall be owned in common by a property owners' association, a public agency, a land trust, or another appropriate entity. This open space shall be used for conservation, aquifer recharge protection, passive recreation, low intensity agriculture, or silviculture. Agriculture and silviculture operations shall adhere to the appropriate BMPs as adopted by the Florida Department of Agriculture and Consumer Services.

E) Limited structures for common use or under common ownership may be allowed within the open space preserve areas, areas other than wetlands, conservation mitigation areas, conservation easements or wetland protective buffers. Homeowners' personal property and residential accessory structures shall be prohibited. Individual potable water wells shall be allowed in open space areas adjacent to homes if site conditions warrant and allow such.

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	Undeveloped Residential
Adjacent Zoning	N: A-1 (Citrus Rural District) E: R-1AA (Single-Family Dwelling District) W: A-1 (Citrus Rural District) S: R-1A (Single-Family Dwelling District)
Adjacent Land Uses	N: Residential E: Residential W: Residential S: Residential

R-1 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.

** 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

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to 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

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 wetlands/surface waters, and upland buffer widths. Reference OC Code Chapter 15 Environmental Control, Article XIII Wekiwa River Protection.

Wekiwa Priority Focus Area and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Wekiwa/Rock Springs and Wekiwa River Basin Management Action Plan (BMAP) Areas and must comply with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended;

Within a BMAP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required. Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

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).

Proximity to Managed Public Lands - This site is located within a mile from the Wekiwa Springs State Park and Wekiwa River Conservation Area managed by the Florida Department of Environmental Protection and St. Johns River Water Management District. The nearby property may require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices may include, but not 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.

Transportation / Access

Based on the Concurrency Management database (CMS) dated 11/19/2024, there are multiple failing roadway segments within the project's impact area along Welch Rd, from Rock Springs Rd to Wekiwa Springs Rd (2 segment(s)). This information is dated and subject to change. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required, concurrency@ocfl.net.

Schools

A School Capacity Determination is not needed for this request. The project yield is 2 units above the 10 vested units. 10 units is the minimum number of proposed new units above and beyond the vested units for the requirement of an OCPS Capacity Determination.

Community Meeting Summary

Two community meetings were held on December 10, 2024, and February 10, 2025. Twenty-nine (29) residents were in attendance at the 1st meeting and nine (9) residents were in attendance at the 2nd meeting. At the 1st meeting, residents expressed concerns

about increased traffic, pedestrian safety, the potential for decreased property values, and drainage. At the 2nd meeting, the applicant presented a reduced development program from 15 units at 50 feet lot width to 12 units at 62.5 feet lot width. The residents were amenable to the proposal of fewer units and wider lots, but they still expressed concerns about increased traffic, pedestrian safety, and property values.

Utilities Service Area (Availability of services may vary)

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Detailed Utility Information:

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to Orange County Utilities Water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

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 – February 20, 2025

Make a finding of consistency with the Comprehensive Plan and recommend Approval of the R-1 Restricted (Single-Family Dwelling District) zoning subject to one (1) restriction:

1. Development shall be limited to twelve (12) single-family homes.

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 R-1 Restricted (Single-Family Dwelling District) zoning subject to (1) restriction. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that 269 notices were sent to property owners and residents extending beyond 500 ft. surrounding the property, and that staff had received (0) responses in favor and (2) responses in opposition of the request.

After a brief discussion regarding the rezoning request, wastewater connections, and lot size compatibility, a motion was made by Commissioner Wiggins and seconded by Commissioner Arrington to recommend Approval of R-1 Restricted (Single-Family Dwelling District) zoning subject to one restriction. The motion carried 6-0.

Motion / Second	<i>George Wiggins / Michael Arrington</i>
Voting in Favor	<i>George Wiggins, Michael Arrington, Marjorie Holt, Nelson Pena, Eddie Fernandez, and Eric Gray</i>
Voting in Opposition	<i>None</i>
Absent	<i>Camille Evans, Evelyn Cardenas, and Eddie Fernandez</i>

RZ-25-01-051



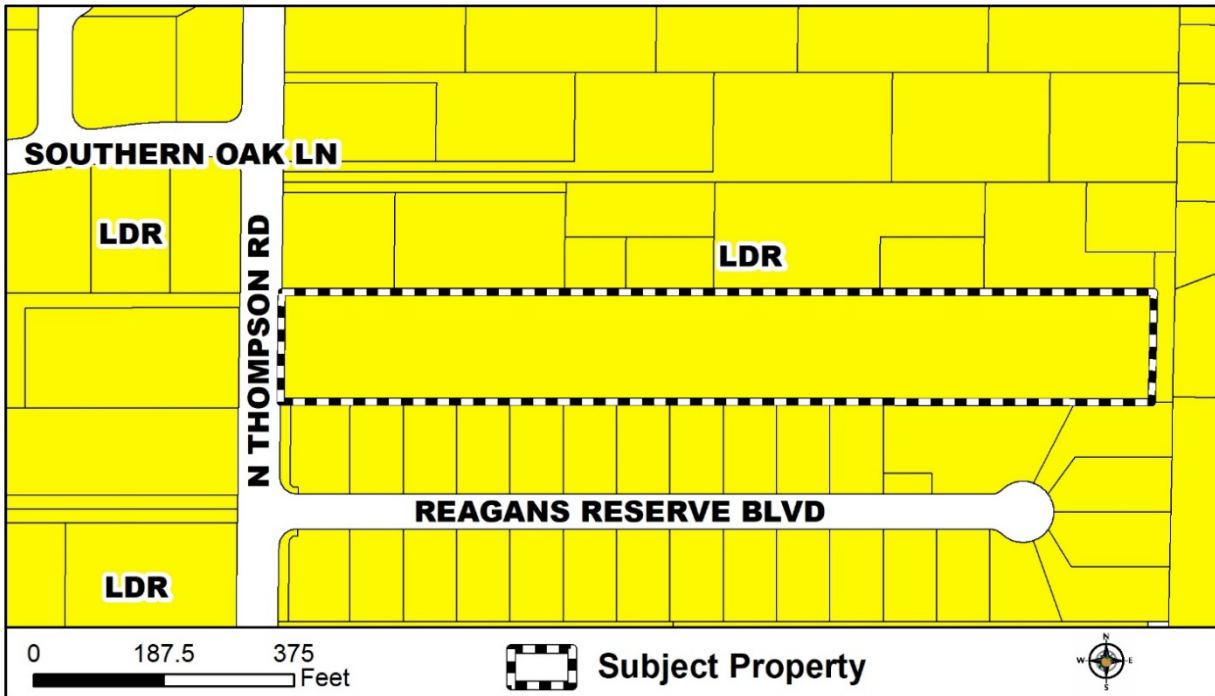
 Subject Property



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Feet

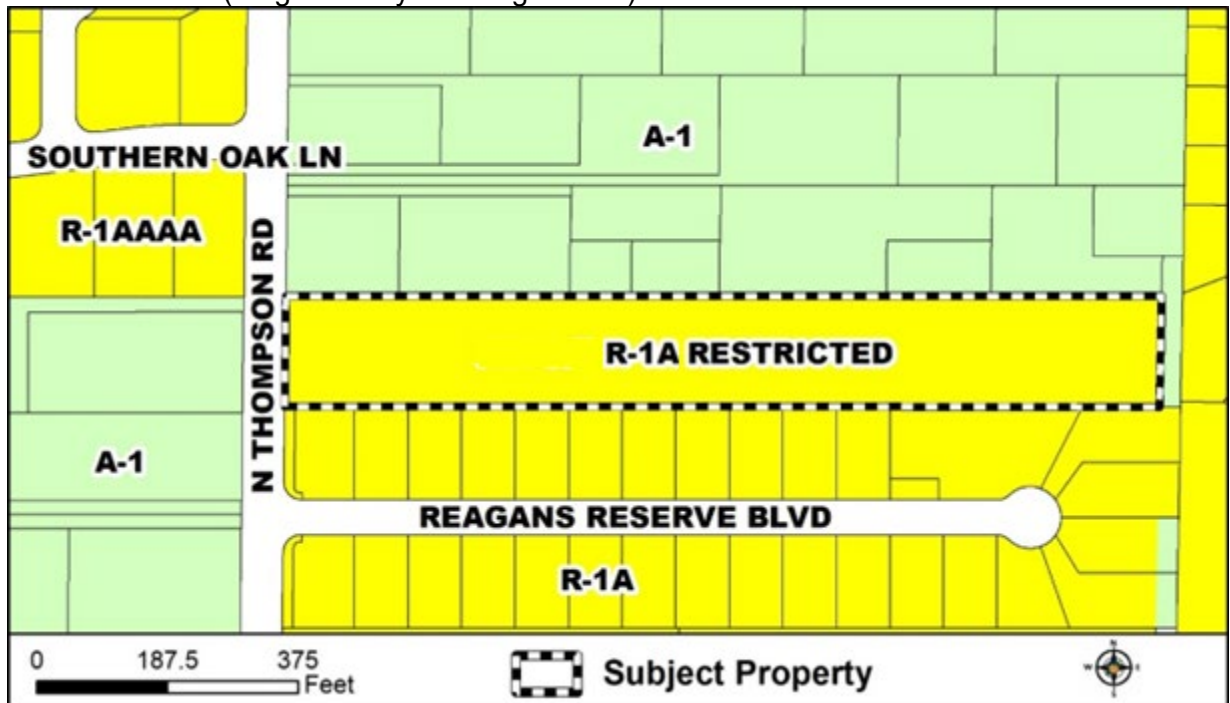
FUTURE LAND USE – CURRENT

Low Density Residential (LDR)



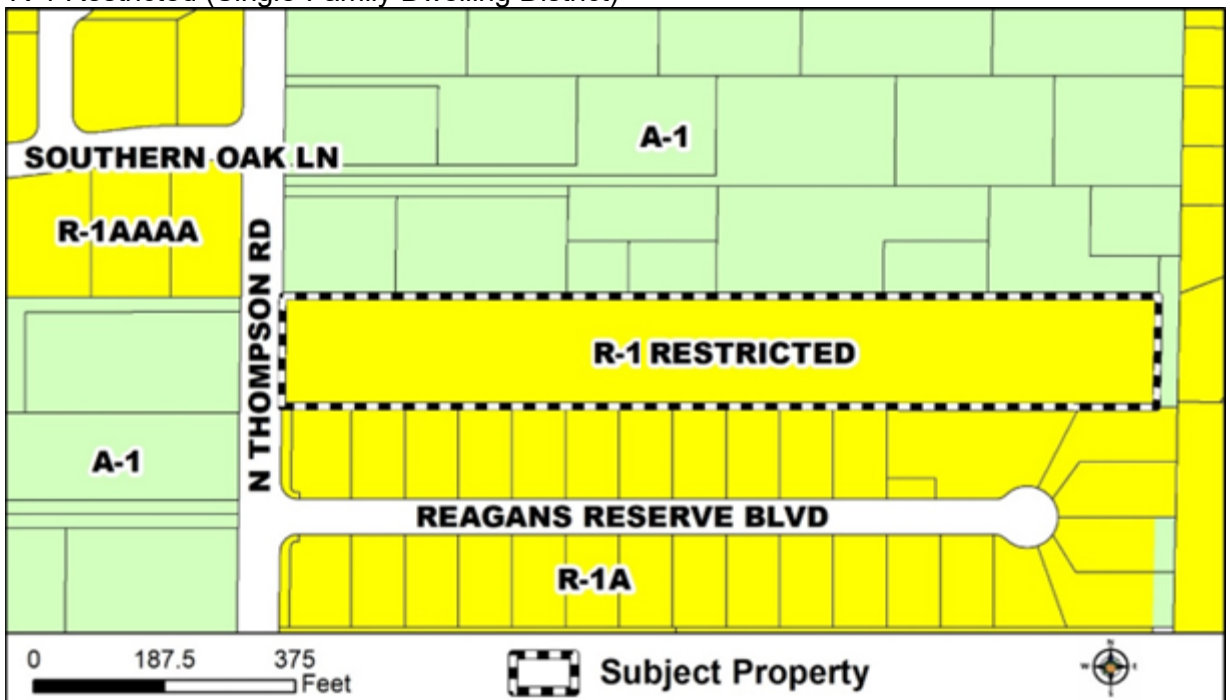
ZONING – CURRENT

R-1A Restricted (Single-Family Dwelling District)



ZONING – PROPOSED

R-1 Restricted (Single-Family Dwelling District)

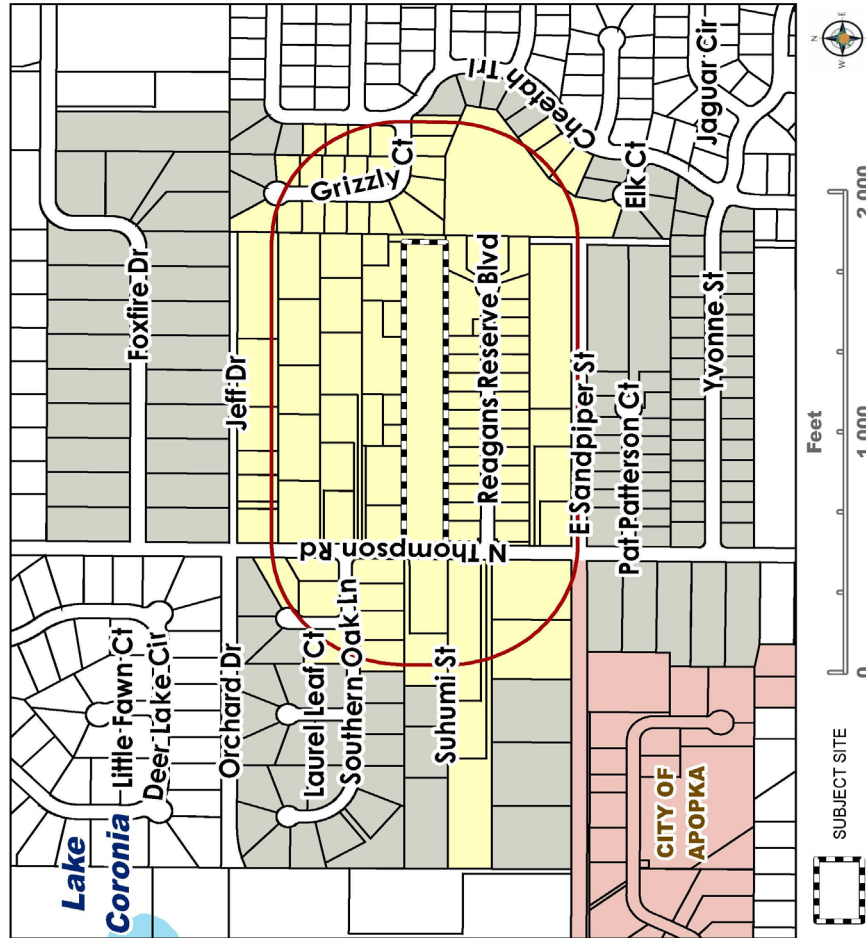


NOTIFICATION MAP

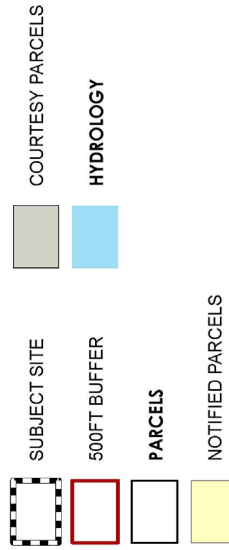


Public Notification Map

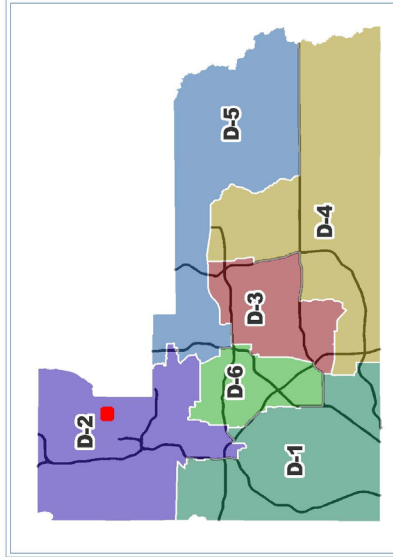
RZ-25-01-051



MAP LEGEND



BUFFER DISTANCE: 500
OF NOTICES: 269



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