

**Applicant/Owner:** Reynas Realty Investments Inc. / Carla Robledo

**Location:** 1116 Apopka Blvd. Generally located south of S Apopka Boulevard, north of E 13th Street, west of Lambing Lane, and east of S Christiana Avenue.

**Existing Use:** One (1) single-family residential dwelling unit and undeveloped land

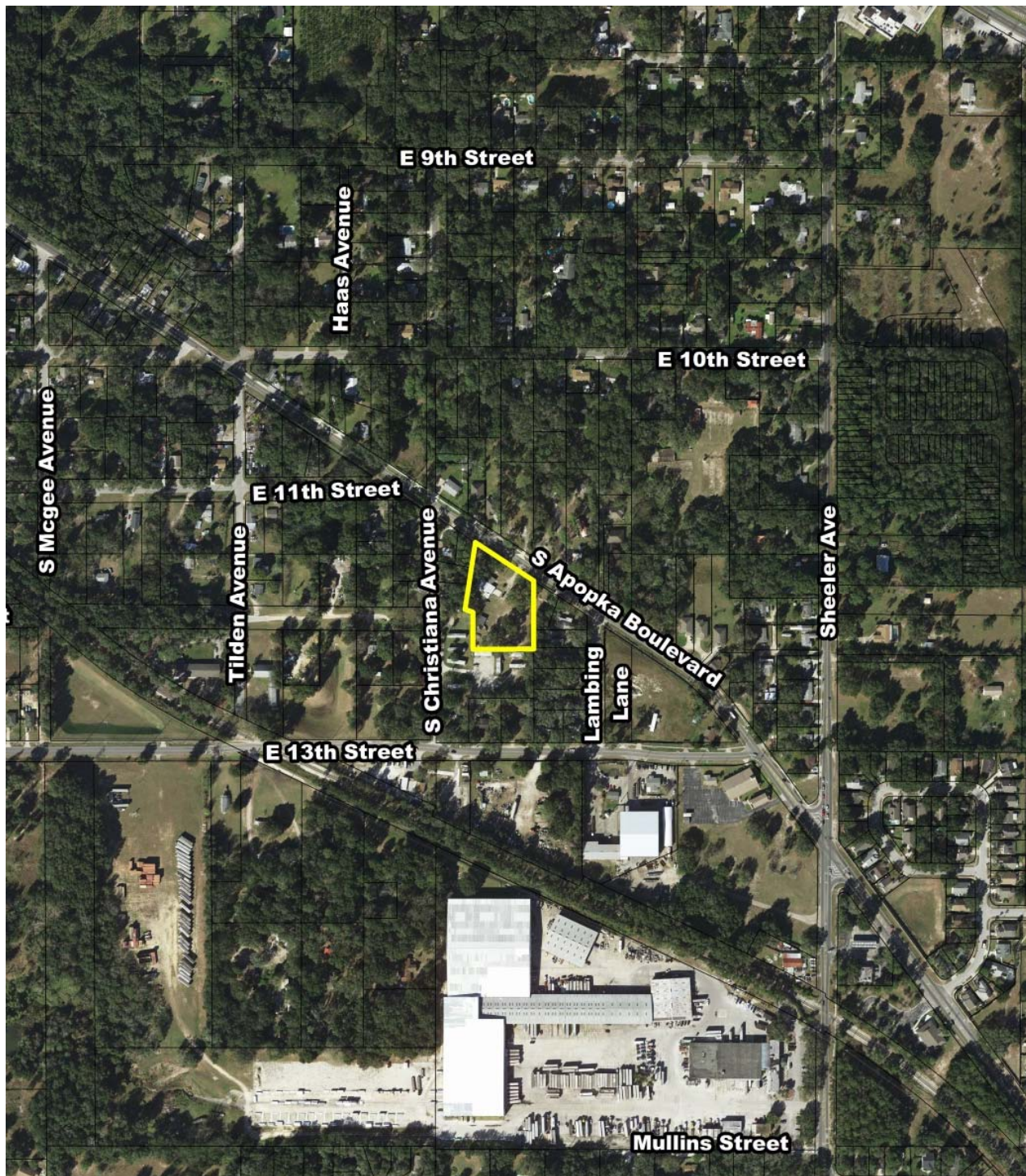
**Parcel ID Numbers:** 15-21-28-0000-00-118

**Tract Size:** 1.46 acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	<p><b>Request:</b> Industrial (IND) to Low Density Residential (LDR)</p> <p><b>Concurrent Rezoning:</b> R-T-2 (Combination Mobile Home and Single Family Dwelling District) to R-2 (Residential District)</p> <p><b>Proposed Development Program:</b> Up to Five (5) single-family attached dwelling units</p> <p><b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.</p> <p><b>Environmental:</b> This site is located within the geographical limits of the Wekiva Study Area. Special area regulations will apply to any development on the property.</p> <p><b>Transportation:</b> The subject property is not along a backlogged/constrained facility or multimodal corridor. The proposed five (5) single-family dwelling units will generate five (5) pm peak hour trips resulting in a net reduction of forty-one (41) pm peak hour trips.</p>	
✓	Community Meeting held August 23, 2017, with no members of the public in attendance. See public notification map for notice area	Positive		
✓	Staff Report	Recommend Adoption and Approval of the Rezoning Request		
✓	LPA Adoption	Recommend Adoption (9-0)		
✓	PZC Rezoning Hearing	Recommend Approval (9-0)		
	BCC Adoption	November 14, 2017		
	BCC Rezoning Hearing	November 14, 2017		

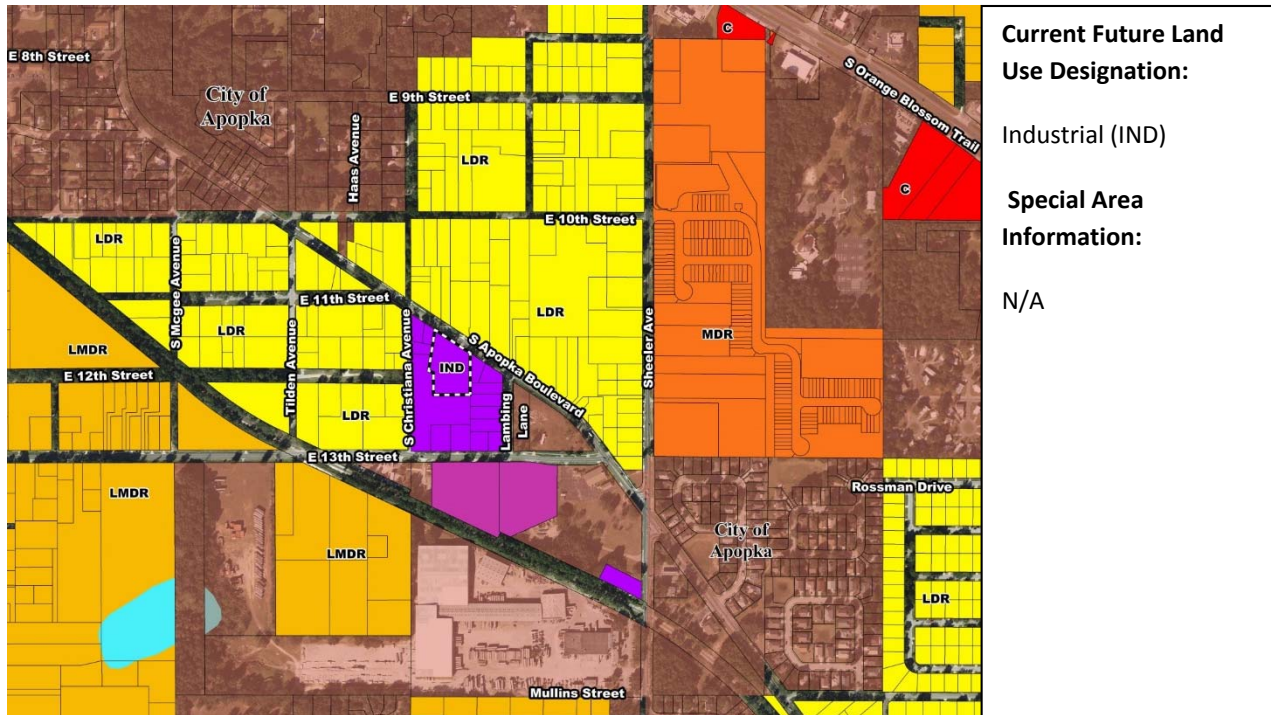


**AERIAL**

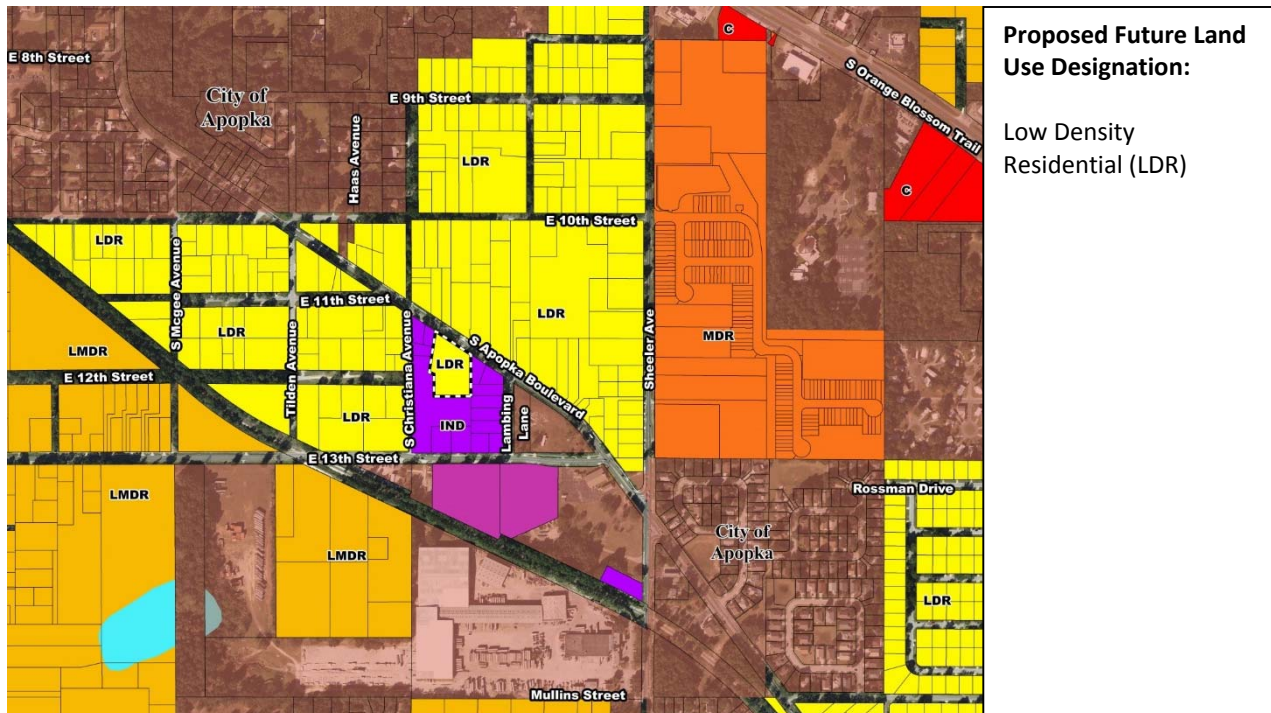




## FUTURE LAND USE - CURRENT

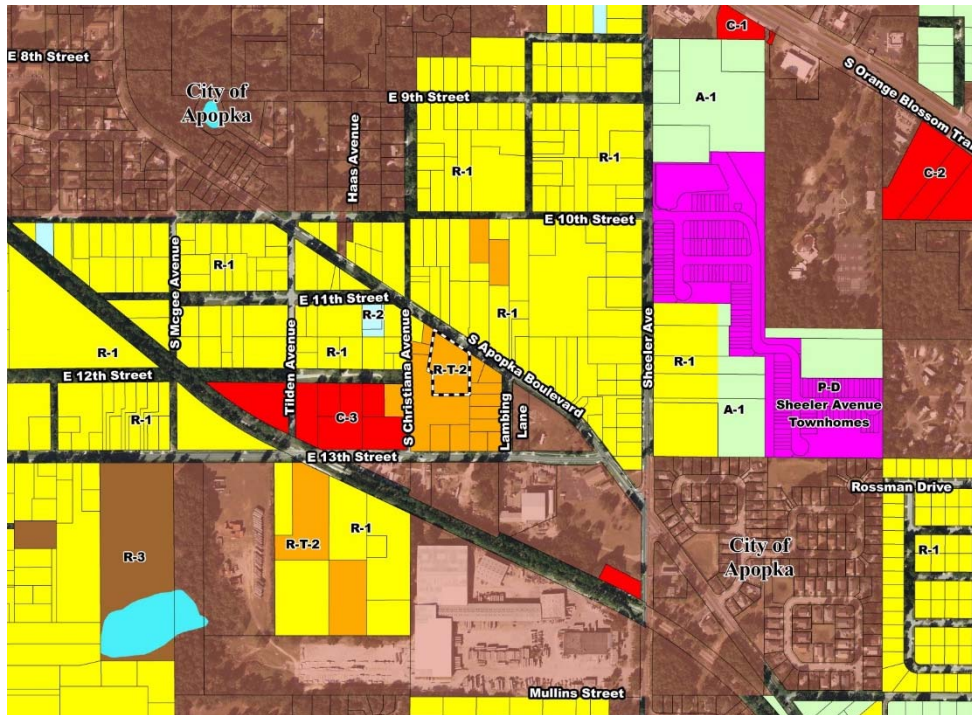


## FUTURE LAND USE - PROPOSED





## ZONING - CURRENT



**Current Zoning District:**  
 R-T-2 (Combination  
 Mobile Home and Single  
 Family Dwelling District)

### Existing Uses

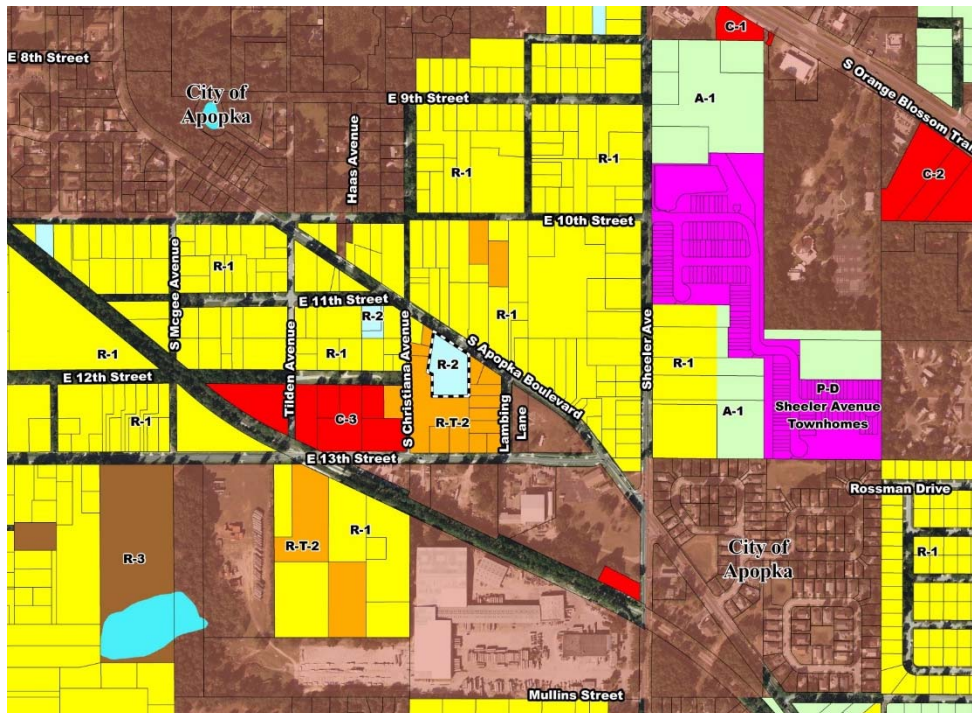
N: Single Family

S: Mobile Home Park

E: Single Family

W: Single Family /Mobile  
 Home Park

## ZONING – PROPOSED



**Proposed Zoning  
 District:** R-2 (Residential  
 District)

## Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items:

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.1, FLU1.4.1, FLU1.4.16, FLU8.2.2, FLU8.2.11; Housing Element Goal H1, and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2017-1-S-2-1, Industrial (IND) to Low Density Residential (LDR)
2. **REZONING:** Make a finding of **consistency** with the Comprehensive Plan, and **Approve** Rezoning Case RZ-17-10-025, R-T-2 (Combination Mobile Home and Single Family Dwelling District) to R-2 (Residential District).

## Analysis

### 1. Background Development Program

The applicant, Carla Robledo, has requested to change the Future Land Use designation of the subject property from Industrial (IND) to Low Density Residential (LDR). In conjunction with the Future Land Use Map (FLUM) amendment, the applicant has applied for a rezoning of the site (RZ-17-10-025) from R-T-2 (Combination Mobile Home and Single Family Dwelling District) to R-2 (Residential District).

The subject site consists of one parcel totalling 1.46 acres that is located south of S Apopka Boulevard, north of E 13th Street, west of Lambing Lane, and east of S Christiana Avenue. There is currently one single-family residence developed on the property. There are single-family residences located to the north, east, and northwest of the subject site, while the Victoria Gardens mobile home park borders the site to the south and west.

An inconsistency exists between the subject property's existing Industrial (IND) Future Land Use (FLU) and R-T-2 (Combination Mobile Home and Single Family Dwelling District) Zoning designations. This inconsistency exists on the entire block surrounding the property and prevents any of the parcels from being used for industrial purposes. At the time of submittal of this FLUM amendment application and rezoning request, the applicant has indicated the intention to split the property and develop either two duplexes or one duplex and one triplex. A community meeting was held on August 23<sup>rd</sup>, 2017, at Wheatley Elementary School, which was attended by no members of the community.

## 2. Project Analysis

### *Consistency*

The requested FLUM amendment and concurrent rezoning request appear to be consistent with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

The housing options within the immediate area surrounding the subject property are limited to single-family detached dwelling units and manufactured homes. Therefore, the proposal is consistent with **Future Land Use Element Policy FLU1.4.1**, which states that Orange County shall promote a range of living environments in order to achieve a stable and diversified population and community. Additionally, **Future Land Use Element Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided and promotes a diverse mix of uses and housing types. The proposed duplex development would allow for housing that would add to the variety of housing types available in a way that is consistent with the existing residential density of the area.

**Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. Staff finds that the development of up to five single-family units consisting of either two duplexes or one duplex and one triplex on the subject property would prove consistent with the goal of providing a range of housing options for the surrounding area. Similarly, **Future Land Use Element Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. It is staff's belief that the proposed residential project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

### *Compatibility*

As identified in Future Land Use Element Objective OBJ FLU8.2, compatibility is the fundamental consideration in all land use and zoning decisions that involve differing land uses. **Future Land Use Element Policy FLU8.2.11** goes on to clarify that compatibility doesn't have to mean that a proposed use has to be identical to the existing uses surrounding the subject site, but can instead be satisfied by assessing the proposed development's physical integration into an area and its function in the broader community, as well as its contribution toward Comprehensive Plan goals and objectives. It is staff's determination that the proposed development would be compatible with the existing density and development trend of the surrounding area.

**Future Land Use Element Policy FLU1.4.16** calls for the FLUM to reflect appropriate locations for industrial use and requires that proposed land use changes from industrial to residential be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses. **FLU1.4.16** also holds that land use designations such as residential and neighborhood commercial

are incompatible with and should not be located adjacent to industrial land uses. While there are some warehousing properties with Industrial FLU south of the subject property, they are isolated developments surrounded by single-family development and do not constitute an industrial trend in the area. It is also important to note that while the subject property and several surrounding properties have Industrial (IND) FLU, it is a small isolated pocket. None of the properties have ever been used for industrial purposes and instead have been developed with residential uses. Staff finds that the subject site and its immediately adjacent areas are not appropriate for industrial style development.

***Division Comments: Environmental, Public Facilities and Services***

**Environmental Planning Division.** This site is located within the geographical limits of the Wekiva Study Area. Special area regulations including those established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. and Future Land Use Element Objective FLU6.6 will apply to any development on the property.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Prior to demolition or construction activities associated with existing structures, the property owner must provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. Additionally, prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator.

**Transportation Planning Division.** The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located adjacent to South Apopka Blvd., a two-lane collector roadway which is currently operating at level of service C from Overland Road to Sheeler Road. Based on the concurrency management system database dated 09-05-17, there is one failing roadway segment within a one-mile radius of this project. Orange Blossom Trail from Semoran Blvd. to Park Avenue currently has no available capacity and is operating at level of service F. This information is dated and is subject to change. Analysis of the short term or interim Year 2022 conditions indicates that Orange Blossom Trail from Semoran Blvd. to Park Avenue will continue to be deficient. However, all other roadways will continue to operate at acceptable levels of service.

Based on the approved future land use of the subject property, the allowable development of 47,763 square feet of industrial use will generate forty-six (46) pm peak hour trips. The proposed five (5) single-family dwelling units will generate five (5) pm peak hour trips resulting in a net reduction of forty-one (41) pm peak hour trips. Although the proposed use results in a reduction in pm peak hour trips, a traffic study will be required to determine the impacts of the project trips on the deficient roadway segments within the project impact area. This study will be required prior to issuance of an approved capacity encumbrance letter and building permit.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

### 3. Policy References

**FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.16** The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses and of freight transportation corridors included in the National Highway Freight Network or identified in state and regional freight plans, such as the Florida Department of Transportation's Freight Mobility and Trade Plan and the MetroPlan Orlando Regional Freight Study. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand, freight movement and efficiency, and corresponding needs for job creation and economic development.

**FLU8.2.2** 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** 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.



**GOAL H1** Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

## Rezoning Analysis

### SITE DATA

<b>Adjacent Zoning</b>	N:	R-1 (Single-Family Dwelling District) (1957)
	E:	R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1968)
	W:	R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1967)
	S:	R-T-2 (Combination Mobile Home and Single-Family Dwelling District) (1967)
<b>Adjacent Land Uses</b>	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Mobile Homes
	S:	Mobile Homes

### APPLICABLE R-2(General Commercial 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.
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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. (Greater than 35 ft. by Special Exception)
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. (Greater than 35 ft. by Special Exception)
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.

**PERMITTED 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**

##### **Rural Settlement**

The subject property is not located within a Rural Settlement.

##### **Joint Planning Area (JPA)**

The subject property is located within the Apopka JPA.

##### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

##### **Airport Noise Zone**

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

##### **Water / Wastewater / Reclaim**

###### Existing service or provider

**Water:** City of Apopka

**Wastewater:** City of Apopka

**Reclaimed:** City of Apopka

##### **Schools**

Orange County Pubic Schools (OCPS) did not comment on this case as it is *de minimus*.

##### **Parks and Recreation**

Orange County Parks and Recreation did not comment on this case as it does not involve an increase in residential units or density.

##### **Code Enforcement**

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

##### **Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

##### **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.

##### **Site Visit Photos**



Subject Site (from Apopka Blvd.)



West – Mobile Home Park



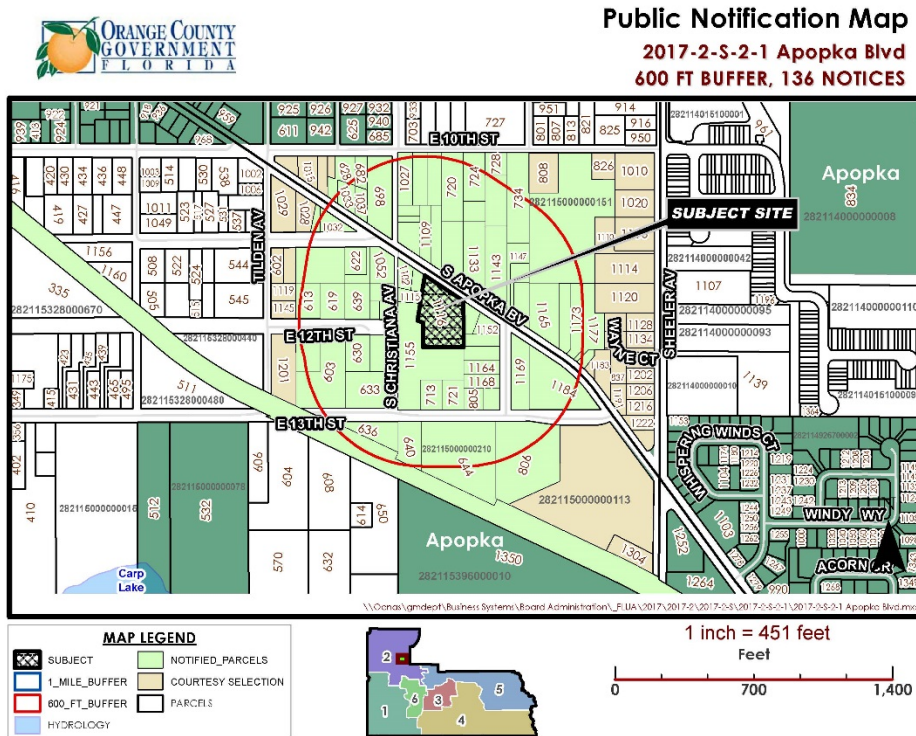
East – Single Family



North – Single Family



**PUBLIC NOTIFICATION MAP**



**Notification Area**

600 Ft. Buffer

136 notices sent

