




Interoffice Memorandum

DATE: July 27, 2021

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

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 
Planning, Environmental, and Development Services Department

SUBJECT: Adoption Public Hearing – July 27, 2021 Small-Scale Future Land Use Map Amendment and Concurrent Rezoning Request

Please find the attached staff report and associated back-up material for the **Small-Scale Future Land Use Map Amendment** scheduled for a BCC adoption public hearing on July 27, 2021. The adoption public hearing for Small-Scale Development Amendment SS-21-06-040 (and concurrent rezoning RZ-21-06-041) was conducted before the Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) on June 17, 2021.

If the BCC adopts the proposed amendments, the Small-Scale Development Amendments will become effective 31 days after the public hearing, provided no challenges are brought forth for this amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at 407-836-5802 or Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, Current Planning Section, at 407-836-5602 or Jason.Sorensen@ocfl.net.

AAV/JHS/jah

Enc: Small-Scale Development Amendment BCC Adoption Binder
c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Planning Administrator, Planning Division

CASE # SS-21-06-040
RZ-21-06-041

Commission District: #5

GENERAL INFORMATION

APPLICANT	Elizabet Zahareiva
OWNERS	Elizabet Zahareiva
HEARING TYPE	Planning and Zoning Commission / Local Planning Agency
FLUM REQUEST	LDR (Low Density Residential) to LMDR (Low-Medium Density Residential)
ZONING REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	451 Ololu Drive; Generally located on the west side of Ololu Drive, south of Beverly Avenue, east of N. Wymore Road and north of Franklin Avenue.
PARCEL ID NUMBER	02-22-29-4168-00-490
TRACT SIZE	0.35 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 thirty-three (133) notices were mailed to those property owners in the mailing area.
COMMUNITY MEETING	A virtual community meeting was held for this item on June 14 th , 2021 with zero (0) residents in attendance.
PROPOSED USE	Two (2) single-family residential units (existing unit plus one new unit)

STAFF RECOMMENDATION

PLANNING

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking a Small-Scale Future Land Use Map Amendment to change the Future Land Use of the 0.35 acre subject property from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR) and to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to allow for a lot split and an additional single-family residence.

The subject property is one lot, 120.5 feet in width at the front, 100 feet wide at the rear, with a single-family residence. The immediate surrounding area is developed with single-family residences to the north, east, south and west, with lot widths ranging between 50 to 75 feet. The subject lot has two underlying platted lots. The applicant's intent is to revert to the underlying platted lots with a lot split.

The subject property is 0.35 acres and under the current LDR designation only 1 unit would be permissible from a density perspective since LDR allows for 4 units per acre (minimum 0.25 acre required for each unit). With the proposed LMDR designation, the density permissible is up to 10 units per acre which would allow the applicant to add an additional unit. Additionally, the R-1 zoning would allow for two 50-foot wide lots whereas the existing R-1A zoning has a minimum lot width requirement of 75 feet.

This property would be reliant on septic tanks since the City of Winter Park Utilities does not have available wastewater lines to serve the property.

Existing FLUM Development Program

The existing development program would allow for one single-family residence. This is consistent with what exists on the property now.

Proposed FLUM Development Program

The proposed R-1 zoning with the Future Land Use Map designation of LMDR will allow the applicant to construct up to one additional single-family residence.

Land Use Compatibility

The LMDR Future Land Use and R-1 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 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 proposed R-1 (Single-Family Dwelling District) zoning is consistent with the proposed Low-Medium Density Residential (LDR) FLUM designation. The subject property is 0.35 acres and under the current LDR designation, only 1 unit would be permissible from a density perspective since LDR allows for 4 units per acre (minimum 0.25 acre required for each unit). With the proposed LMDR designation, the density permissible is up to 10 units per acre which would allow consideration of up to three (3) units for this property; however, the R-1 zoning district minimum size and width requirements would only allow for one (1) additional home (two homes total).

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.

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

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.

FLU8.2.11 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.

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.

Small Scale Amendment # SS-21-06-040
Rezoning Case # RZ-21-06-041
Orange County Planning Division
BCC Hearing Date: July 27, 2021

SITE DATA

Existing Use Single-Family Residence

Lot Dimensions Front: 120.5 feet
Rear: 100 feet
Side (north): 122.9 feet
Side (south): 188.4 feet

Adjacent	FLUM	Zoning
North	Low Density Residential (1991)	R-1A (Single-Family Dwelling District) (1957)
South	Low Density Residential (1991)	R-1A (Single-Family Dwelling District) (1957)
East	Low Density Residential (1991)	R-1A (Single-Family Dwelling District) (1957)
West	Low Density Residential (1991)	R-1A (Single-Family Dwelling District) (1957)

Adjacent Land Uses N: Single-Family Residence
E: Single-Family Residence
W: Single-Family Residence
S: Single-Family Residence

R-1 (Single Family Dwelling District) Development Standards

Min. Lot Area: 5000 sq.ft.
Min. Lot Width: 50 ft.
Max. Height: 35 ft.
Min. Floor Area: 1000 sq.ft.

Building Setbacks

Front: 20 ft.
Rear: 20 ft.
Side: 5 ft.

Intent, Purpose, and Uses

The areas included in an R-1 single-family dwelling district are of the same general character as R-1-AA and R-1-A, 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"/>	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.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1) The subject property is located within the Alternative Mobility Area (AMA). The AMA will be eliminated in the future. A date has not yet been determined. All projects within the AMA will be subject to transportation concurrency once the AMA is eliminated. 2)The land use change request will result in De Minimis impacts to the roadway network.
Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	De minimus impact.
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sheriff's Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Rescue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A virtual community meeting was held for this request on June 14th. No residents were in attendance.

Utilities

Water:	City of Winter Park	Available
Wastewater:	City of Winter Park	Not available; This property would be reliant on septic tanks.
Reclaim Water:	Orange County Utilities	Not available

Detailed Utility Information:

This property is within City of Winter Park's Water and Wastewater Service Area. Wastewater connection is not available according to the City of Winter Park Utilities Division.

Small Scale Amendment # SS-21-06-040
Rezoning Case # RZ-21-06-041
Orange County Planning Division
BCC Hearing Date: July 27, 2021

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

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 – (June 17, 2021)

Future Land Use Map Amendment

Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Low-Medium Density Residential (LMDR) Future Land Use.

Rezoning

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling 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 ADOPTION for the requested LMDR (Low-Medium Density Residential) Future Land Use Map designation and Approval of the requested R-1 Zoning district. The applicant was present to answer questions from the LPA Commissioners.

Staff indicated that one hundred thirty-three (133) notices were mailed to those property owners in the mailing area extending beyond 500 feet surrounding the property, and that staff received one (1) response in opposition stating opposition to increased density, the proposed lot split, street parking, septic concerns, and access to one of the lots from Ololu. During public comments no member of the public was present to speak.

Small Scale Amendment # SS-21-06-040
Rezoning Case # RZ-21-06-041
Orange County Planning Division
BCC Hearing Date: July 27, 2021

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the applicant's presentation, the following motion was made:

A motion was made by Commissioner Spears to make a finding of inconsistency with the Comprehensive Plan and deny the request, but received no second. The Chairman opened the item back for discussion and entertained a second motion.

A motion was made by Commissioner Abdallah, and seconded by Commissioner Sorbo to recommend **ADOPTION** of the requested LMDR (Low-Medium Density Residential) Future Land Use designation and **APPROVAL** of the requested R-1 (Single-Family Dwelling District). The motion carried on a 5-1 vote.

Motion / Second

Mohammed Abdallah / Trevor Sorbo

Voting in Favor

*Trevor Sorbo, Carlos Nazario, Eddie Fernandez,
Mohammed Abdallah, Evelyn Cardenas*

Voting in Opposition

Gordon Spears

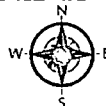
Absent

JaJa Wade, Nelson Pena, and Sean McQuade

SS-21-06-040 & RZ-21-06-041

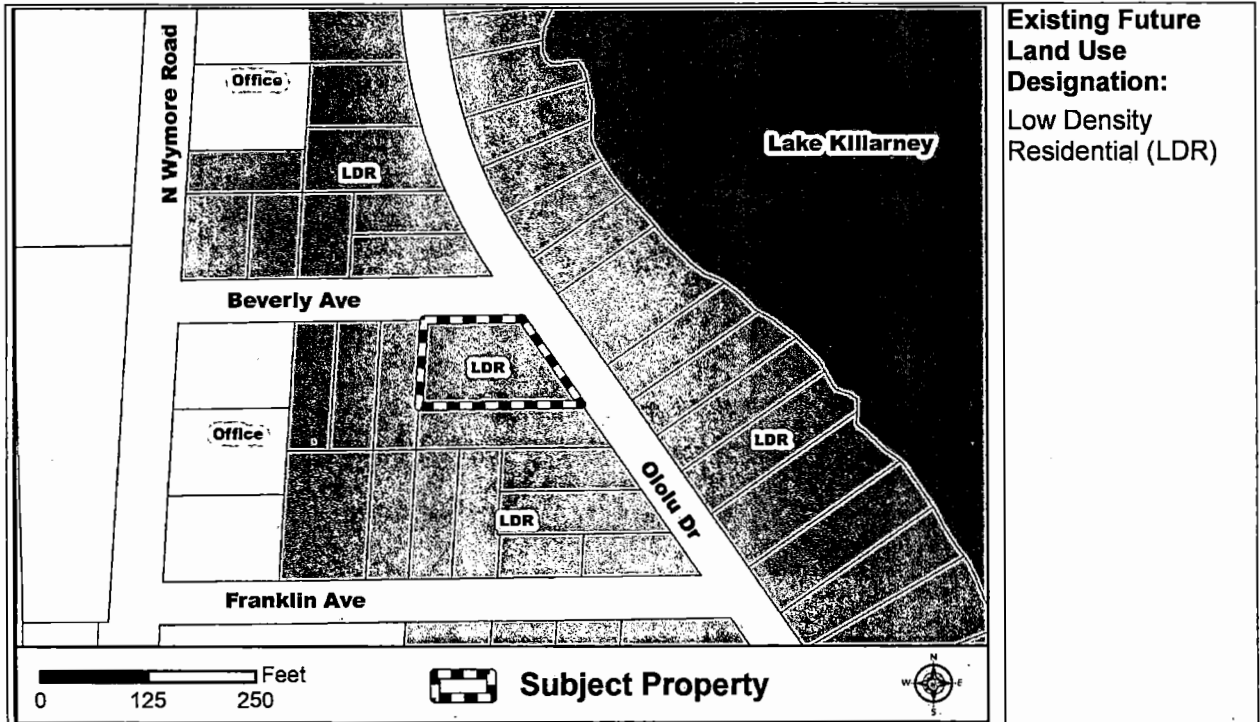


 Subject Property

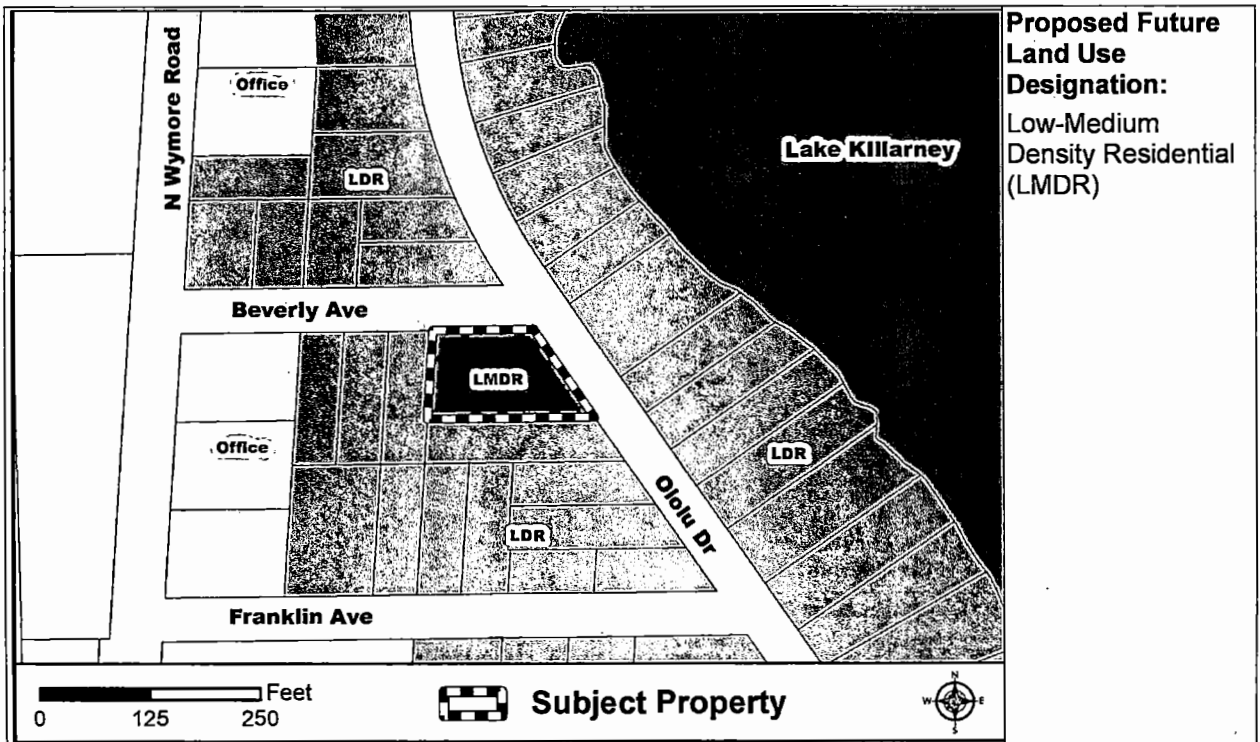


1 inch = 150 feet

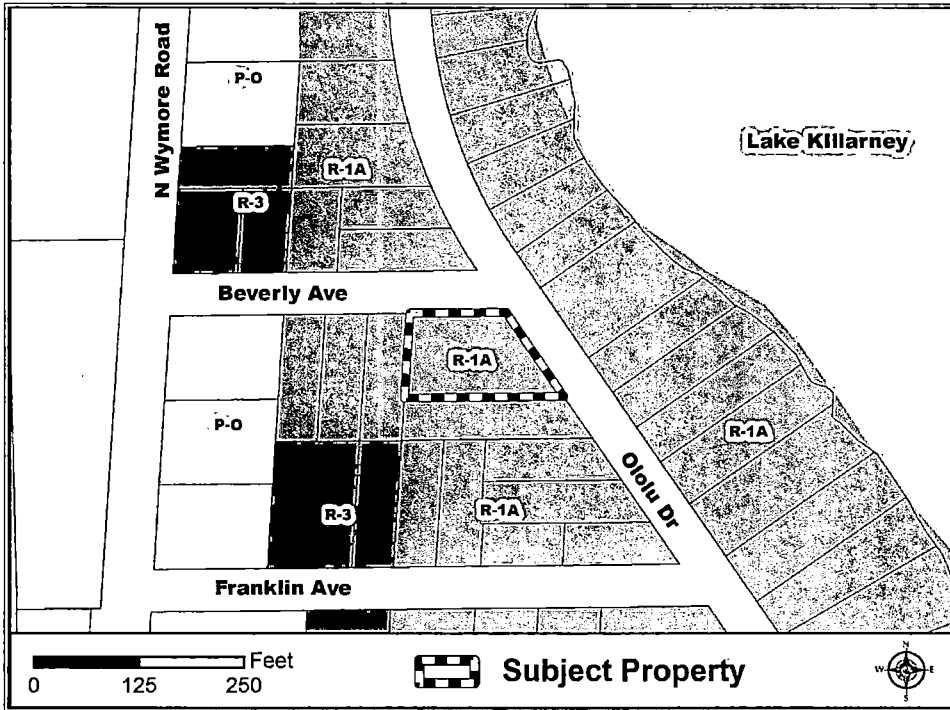
FUTURE LAND USE – CURRENT



FUTURE LAND USE - PROPOSED

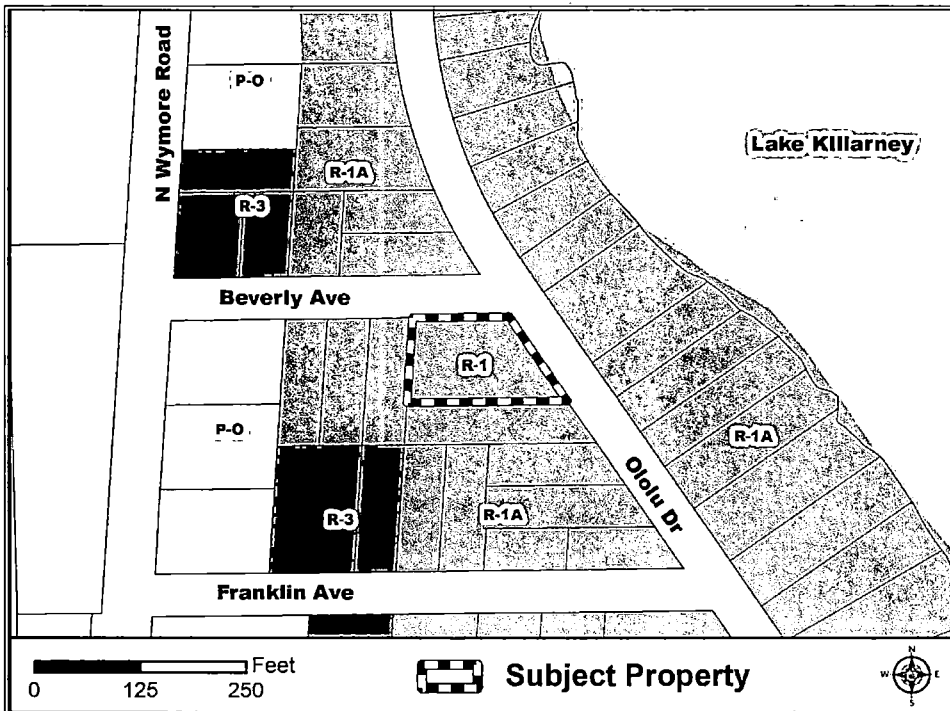


ZONING - CURRENT



Current Zoning District:
R-1A (Single-Family Dwelling District)

ZONING - PROPOSED



Proposed Zoning District:
R-1 (Single-Family Dwelling District)



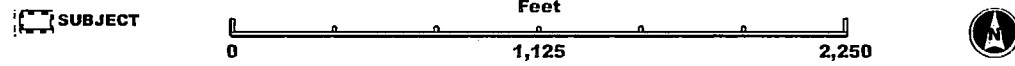
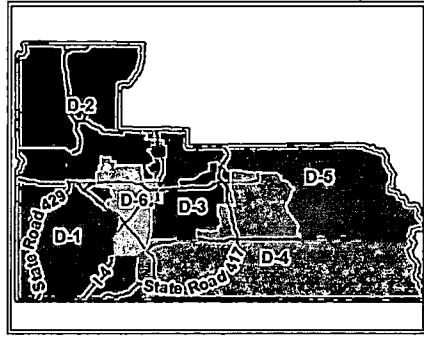
Public Notification Map

RZ-21-06-041 & SS-21-06-040



- MAP LEGEND**
- SUBJECT
 - 500_FT_BUFFER
 - HYDROLOGY
 - PARCELS
 - NOTIFIED_PARCELS
 - COURTESY PARCELS

BUFFER DISTANCE: 500
OF NOTICES: 133
RESIDENTIAL ADDRESSES: 42



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Notification Map

Small Scale Amendment # SS-21-06-040
 Rezoning Case # RZ-21-06-041
 Orange County Planning Division
 BCC Hearing Date: July 27, 2021